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THE
Metropolis Water Act,
1902,

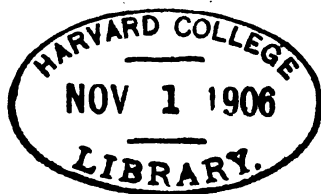
WITH
INTRODUCTION, NOTES, AND INDEX,
AND APPENDICES

CONTAINING THE PRINCIPAL ACTS, OR PROVISIONS OF ACTS, REFERRED TO
IN THE ACT, AND ORDERS OF THE LOCAL GOVERNMENT BOARD AND
THE COURT OF ARBITRATION MADE IN PURSUANCE THEREOF.

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PREFACE.

THE object of the Authors, in the publication of the present volume on the Metropolis Water Act, 1902, has been to provide a handbook on the Act, dealing with the points most likely, in their opinion, to arise in the administration of the Act, and in the Arbitrations to be held thereunder, and to make it, as far as possible, useful and intelligible to laymen as well as to lawyers.

The Introduction gives a summary of the principal provisions of the Act, with marginal notes referring to the Sections containing them. In the Appendices are printed most of the Acts, or particular provisions of Acts, referred to in the Act itself; and to these are added the Orders of the Local Government Board and of the Court of Arbitration made, in pursuance of the Act, up to the date of publication.

The local Acts, however, of the Metropolitan Water Companies, whose successors the Water Board will

be, are not printed, as being too numerous and long to be included in a small volume ; but the Waterworks Clauses Acts, 1847 and 1863, and the Metropolis Water Acts, 1852, 1871, 1897, and 1899, are included in Appendix A.

A. G. R.

F. W. P.

March, 1903.

TABLE OF CONTENTS.

	PAGE
Preface	iii
Table of Contents	v
Introduction	ix

METROPOLIS WATER ACT, 1902.

(2 EDW. 7. C. 41.)

Arrangement of Sections	1
Sections, with Notes	5

APPENDIX A.

WATERWORKS CLAUSES ACT, 1847 (10 Vict. c. 17) (whole Act)...	81
WATERWORKS CLAUSES ACT, 1863 (26 & 27 Vict. c. 93) (whole Act)	115
METROPOLIS WATER ACT, 1852 (15 & 16 Vict. c. 84) (whole Act)	123
METROPOLIS WATER ACT, 1871 (34 & 35 Vict. c. 113) (whole Act)	133
METROPOLIS WATER ACT, 1897 (60 & 61 Vict. c. 56) (whole Act)	153
METROPOLIS WATER ACT, 1899 (62 & 63 Vict. c. 7) (whole Act)	156
POOR LAW BOARD ACT, 1847 (10 & 11 Vict. c. 109), s. 21 ...	159
SUPERANNUATION (METROPOLIS) ACT, 1866 (29 & 30 Vict. c. 31) (whole Act)	160

PUBLIC HEALTH ACT, 1875.

(38 & 39 VICT. C. 55.)

	PAGE
ss. 51, 52	163
ss. 53, 54, 55	164
ss. 56, 57	165
ss. 58, 59, 60, 61	166
ss. 62, 63	167
ss. 64, 65, 66, 176	168
ss. 177, 178	170
ss. 179, 180	171
ss. 181, 207	174
ss. 211 (1) (b), 233	175
ss. 234 (2) and (3), 247	176
ss. 250, 293, 294, 295	180
ss. 296, 297	181
s. 298	182

LOCAL LOANS ACT, 1875.

(38 & 39 VICT. C. 83.)

s. 13	182
s. 14	183
s. 15	184
s. 16	185

LOCAL GOVERNMENT ACT, 1888.

(51 & 52 VICT. C. 41.)

s. 69	186
s. 71	188
ss. 74, 80	189
ss. 82 (1) and (2), 120	190

ARBITRATION ACT, 1889.

(52 & 53 VICT. C. 49.)

ss. 2, 7 (a) and (c)	192
ss. 8, 18, 22	193
First Schedule, paragraphs (f) and (g)	193

Contents.

vii

LONDON GOVERNMENT ACT, 1899.

(62 & 63 VICT. C. 14.)

	PAGE
ss. 8 (3), 9, 10 (1)	194

APPENDIX B.

Order of Local Government Board (44,950): Constitution of Metropolitan Water Board (24th December, 1902)...	195
Order of Local Government Board (44,911): Joint Committees for appointing Members of Water Board (9th January, 1903)	196
Memorandum as to Joint Committees (February, 1903)...	200
Order of Local Government Board (45,115): Regulations as to first Meeting and Proceedings of Water Board (12th March, 1903)	203

Notice and Order of Court of Arbitration (28th February, 1903)	205
--	-----

Index	208
--------------	-----

INTRODUCTION.

THE supply of water to the Metropolis was the subject of numerous enquiries in Parliament, before Royal Commissions, and by the Metropolitan Board of Works and their successors, the London County Council, during the latter half of the nineteenth century. In 1852 the Metropolitan Water Act, 1852, was passed, after prolonged discussion and after the rejection in the previous year of the Metropolitan Water Bill, which was a Government scheme to consolidate the Metropolitan Water Companies compulsorily, and place them under the control of a Government Department. The Metropolitan Water Act, 1852, restricted the Metropolitan Water Companies from supplying water drawn from any part of the tidal portion of the River Thames below Teddington Lock, provided for the effectual filtration of all water supplied within the Metropolis, and for a constant supply of water, subject to certain conditions, and made other provisions for controlling the supply by the Water Companies.

Introd.
Previous
history,
and Acts
relating to
Metro-
politan
water
supply.

In 1866 a Royal Commission, over which the Duke of Richmond presided, was appointed to enquire into the supply of water, by collection and storage in high grounds, to large towns, including the Metropolis; and a second Commission was issued in the following year (1867), revoking the warrant issued in 1866, and issuing

Introd. a new warrant to the same Commissioners amplifying the scope of their enquiry with reference to the water supply of the Metropolis. These Commissioners reported in 1869 in favour of retaining as sources of water supply the Rivers Thames and Lee, supplemented by water obtained from the chalk to the south and south-east of London ; but recommended that the constant service system should be promptly introduced, to the farthest extent possible, in the supply to the Metropolis, adding that such constant service could not be effectually established in London so long as the supply remained in the hands of private Companies. The Commissioners further reported in favour of the levying of two rates—one for domestic supply on all dwelling-houses, and the other a general rate on all rateable property, and with reference thereto reported as follows : “That no trading company could be permitted to levy or control such compulsory rates, and that therefore the future control of the water supply should be entrusted to a responsible public body with powers conferred on them for the purchase and extension of existing works, and for levying the rates referred to.”

Following upon this Report the Metropolis Water Act, 1871, was passed, providing for a constant supply to be given by every Metropolitan Water Company in all parts of their districts where they were called upon to furnish it by the Metropolitan Authority as defined in Schedule (A) to the Act, and also providing for the appointment of a water examiner by the Board of Trade to examine, analyse, and report upon the water supplied by the various Companies.

In 1880 a Bill called the Metropolis Waterworks

Purchase Bill, 1880 (commonly known as Lord Cross's Introd. Bill) was introduced into Parliament for the purpose of constituting a Water Trust (consisting of twenty-one members, including three salaried members, the Lord Mayor of the City of London, the Chairman of the Metropolitan Board of Works, four nominated, and twelve elective members) to purchase the undertakings of the Metropolitan Water Companies for the consideration in water stock (the interest on part of which was to be deferred) specified in the First Schedule to the Act. The consideration so specified had been arrived at by agreements made provisionally between an agent of the Government and the Water Companies.

Shortly after the Bill had been introduced a dissolution of Parliament took place, resulting in a change of Government, and the Bill was not proceeded with. A Select Committee, however, was appointed to enquire into the expediency of acquiring the undertakings of the Metropolitan Water Companies, and to report whether the provisional agreements scheduled to Lord Cross's Bill would furnish a satisfactory basis for such an acquisition. The Committee, which was presided over by Sir William Harcourt, reported against the terms of the provisional agreements, but affirmed: "That it is expedient that the supply of water to the Metropolis should be placed under the control of some public body which should represent the interests and command the confidence of the water consumers," and that "in the absence of any single municipal body" to which the control could be committed, "a water authority of a representative character" should be constituted.

Introd. In 1891 two Bills dealing with London water supply were introduced into Parliament. The first, entitled the London Water Commission Bill, 1891, promoted by the Corporation of the City of London, constituted a Commission, to consist of two ex-officio members, the Lord Mayor and the Chairman of the London County Council, and forty-nine nominated members, including representatives of counties bordering upon the Thames as the source of supply. This Bill did not confer any powers of purchasing the undertakings of the Metropolitan Water Companies, although powers were given to the Water Commission to promote Bills for this and other purposes. The Bill was rejected by the Committee, presided over by Sir Matthew White Ridley, to which it was referred, upon the opening statement of counsel, without evidence in support of it being heard.

The second Bill, introduced in the same Session and referred to the same Committee and called the Metropolis Water Supply Bill, 1891 (commonly known as "The Vestries' Bill"), was promoted by a number of local authorities in the Metropolis. The Bill provided for the constitution of a Water Trust, consisting of thirty-nine members (of whom three were to receive salaries as Chairman, Vice-Chairman of Works, and Vice-Chairman of Finance), one being elected for each of thirty-nine electoral areas proposed to be constituted by the Bill. The electors were to be the county electors, or in the case of a borough the burgesses, the system of election being direct. This Bill was, after a protracted hearing, also rejected by the Committee, who, however, added the following recommendation to their Report upon the two Bills:—

“That if the London County Council so resolve, they should have power to promote a Bill or Bills in Parliament for the purpose of constituting themselves the responsible water authority for London, acting through a statutory committee, appointed either wholly by themselves or partly in conjunction with the Corporation of the City of London . . . such statutory committee to comprise a certain number of members possessing special knowledge and qualifications, not necessarily members of the body or bodies appointing.” **Introd.**

In the following year the London County Council (by the London Water Act, 1892) obtained power to pay the costs and expenses of promoting Bills in Parliament relating to the supply of water in the County of London and within the limits of supply of the Metropolitan Water Companies.

In 1892 a Royal Commission was appointed, under the presidency of Lord Balfour of Burleigh, to consider the important question, whether the present sources of supply of the Metropolitan Water Companies were adequate in quantity and quality, a question which the Commission answered in the affirmative; but the question of the constitution of a Water Authority for London and the acquisition by it of the undertakings of the Water Companies was not referred to Lord Balfour's Commission.

In 1895 the London County Council introduced separate Bills for the compulsory purchase of the respective undertakings of the eight Metropolitan Water Companies. These Bills were referred to a Committee of the House of Commons, presided over by Mr. David

Introd. Plunket (now Lord Rathmore), and a prolonged discussion took place before the Committee on the form of the Arbitration Clause contained in the Bills; but before the enquiry on the first Bill considered by the Committee had come to a conclusion, Parliament was dissolved, and the proceedings were broken off. In the course of them, however, an interlocutory pronouncement was made by the Chairman of the Committee with reference to the Arbitration Clause contained in the Bill under consideration, but without hearing counsel for the Water Companies on the point. The lines of this pronouncement were partially followed in Bills subsequently introduced by the London County Council for the purchase of the Water Companies' undertakings, but these Bills were uniformly rejected on Second Reading by the House of Commons.

In 1896 a Bill, entitled the Metropolitan Counties Water Board Bill, 1896, was introduced into the House of Lords by Lord James of Hereford, which provided for the constitution of a Water Board, consisting of thirty members, appointed by the County Councils of London (who were to appoint twenty members to the Board), Middlesex, Essex, Kent, Surrey, and Hertfordshire, the Common Council of the City of London, the Town Councils of West Ham and Croydon, the Thames Conservators, and the Lee Conservancy Board. This Bill was, however, strenuously opposed by the County Councils outside London, on the ground of the preponderating majority on the Board given by it to the London County Council, and was withdrawn.

In 1897 another Royal Commission was appointed,

under the presidency of Viscount Llandaff, and was Introd. directed to enquire whether, having regard to financial and other considerations, it was desirable in the interests of ratepayers and consumers that the undertakings of the Water Companies should be acquired and managed by one or more authorities. The Commissioners, in December, 1898, issued a first Report dealing with a special question which had been referred to them—namely, the practicability of connecting any two or more of the different systems of supply administered by the eight Metropolitan Companies. This question they answered in the affirmative, and as the result an Act was passed in the Session of 1899 enabling and requiring the Metropolitan Water Companies, if so required by the Local Government Board, to supply each other with water in cases of emergency, and to construct works for the purpose.

Lord Llandaff's Commission issued their final Report in 1899, and stated (paragraph 146 of the Report) that they had been led to the conclusion that, in the purchase and management of the undertakings of the Metropolitan Water Companies by a single public authority a satisfactory solution of the great question of London water might be found; and (paragraph 147), "that the Water Board should be a permanent, not a fluctuating; body, consisting of not more than thirty members, selected on account of their business capacity, and, if possible, of their knowledge of matters connected with water supply, and so constituted as not to give a preponderance to any of the conflicting interests concerned; that the London County Council should appoint (say) ten members of the Board, the Conservancy of the River Thames four

Introd. members, the county councils of Middlesex, Surrey, Essex, Hertford, and Kent, the Lee Conservancy Board, and the town council of the borough of West Ham should each appoint two members, and the Local Government Board should appoint the chairman and vice-chairman." They also reported (paragraph 48) : " We see nothing which leads us to suppose that, if these undertakings are compulsorily purchased for the public advantage, Parliament will sanction any exceptional provisions, or depart from the terms of arbitration usual where the property of private persons is taken from them against their will. We shall therefore assume that, if the policy of purchase is adopted, the price of the undertakings will be determined by an arbitration conducted on the lines of the Lands Clauses Act ; although, possibly, in view of the magnitude of the undertakings a different constitution of the tribunal may be adopted." They expressed their opinion, however, in a later paragraph (55) of their Report, that, in the present case, an additional allowance for compulsory purchase would be improper.

Present
Act.

The present Act gives effect generally to the above recommendations of Lord Llandaff's Commission, although the Water Board constituted by it is much more numerous than that recommended by that Commission, and differs from it also in its composition ; and the provisions of the Act do not in some other respects follow those recommendations.

Water
Board
(Sect. 1.
and Third
Schedule).

The principle underlying the constitution of the Water Board established by the Act is the representation of (1) the sanitary authorities within "Water London,"

by which expression is meant the area over which Introd. the eight Metropolitan Water Companies collectively have Parliamentary powers of supply ; and (2) the chief sources of supply. Under the first category fall the London County Council, the Councils of the Metropolitan boroughs and of boroughs and urban districts within Water London but outside the County of London, and, under the second, the County Councils of the counties outside the County of London from which the water supplied to London is drawn, and the Conservators of the Thames and Lee. A few urban districts within the limits of supply of the Water Board are not given any representation, the reason for their exclusion apparently being that the supply to them by the Water Companies is practically *nil*, or, at any rate, very small. The districts not having representation are not liable to be rated in the event of there being a deficiency in the Water Fund (see Section 15).

The Water Board will consist of sixty-six members, appointed by the Constituent Authorities enumerated in Section 1, with a chairman and vice-chairman. The Constituent Authorities consist of: (1) single bodies, viz., county councils, the Common Council of the City of London, borough councils (Metropolitan and municipal), urban district councils, the Conservators of the River Thames, and the Lee Conservancy Board ; and (2) grouped councils (municipal borough and urban district councils) acting through a joint committee in the appointment of a single member of the Water Board to represent each group of councils. The chairman and vice-chairman will be appointed by the Water Board, either (1) from

Introd. among their own members, or (2) from persons outside the Water Board (Third Schedule, paragraph 1). In (1) the former case there will be no increase in the total number (sixty-six) of the Water Board, since the appointment will not create a casual vacancy on the Board; in (2) the latter the total number will be increased to sixty-seven or sixty-eight, according as the chairman or vice-chairman (or both) are appointed from outside the Water Board.

The member of the Water Board to be appointed by the Conservators of the River Thames is required by paragraph 5 of the Third Schedule to be a conservator appointed either (1) by the County Councils of Gloucestershire and Wiltshire, or (2) by the County Councils of Oxfordshire, Berkshire, or Buckinghamshire, or (3) by the Council of the County Borough of Oxford or Reading. With this exception, persons appointed to be members of the Water Board need not be members of the Constituent Authorities, whether (1) single bodies or (2) grouped councils, who appoint them; but every member appointed by a council to represent the council on a joint committee of grouped councils must be appointed by the council from among the members of their own body (see Article II. of Order of Local Government Board, dated 9th January, 1903 [No. 44,911], made pursuant to paragraph 11 of the Third Schedule); and if a person appointed to be a member of the Water Board is a member of the council, or one of the councils, by whom he is appointed, he will, if he cease for two months to be a member of that council, at the end of that period, vacate his office as

member of the Water Board (Third Schedule, paragraph 4). The term of office of members of the Water Board, including the chairman and vice-chairman, who are the only salaried members of the Board, is to be three years, but the members of the Water Board first appointed after the passing of the Act, and members appointed in their places to fill casual vacancies occurring on the Board, will remain in office until 1st June, 1907. Introd.

Subject to certain provisions contained in the Act (*e.g.*, in Section 2 (3)) and in the Third Schedule, the Water Board may regulate their own procedure. The Local Government Board are required (see Third Schedule, paragraph 28) to take such steps as may be necessary for constituting the Water Board as soon as may be after the passing of the Act, and for summoning the first meeting of the Water Board and regulating the proceedings thereat, and all authorities and persons must comply with any instructions issued for that purpose.

With reference to the constitution and number of the Water Board as prescribed by the Act, it is to be observed that the Local Government Board has power under Section 26 (1) of the Act at any time to make a Provisional Order altering the representation on the Water Board of boroughs and urban districts, and thereby also to alter the total number of members of the Water Board.

The Act next provides for the transfer to the Water Board, as from the appointed day, which is defined by Section 37 to mean 24th June, 1904, or such other Transfer
of under-
takings
of Water

Introd. day or days, not being earlier than 24th June, 1904,
Com- as the Local Government Board may appoint, of the
panies to undertaking of each of the Metropolitan Water Com-
Board panies, named in the First Schedule to the Act,
(Sect. 2). whether the amount of compensation payable has or
 has not been agreed or determined by the Court of
 Arbitration constituted by Section 23 of the Act. The
 sums payable as compensation may, if the Water Board
 and a Water Company so agree, be discharged wholly
 or partly in water stock, except in the case of the
 New River Company, where the amount payable is to be
 discharged wholly in water stock (Section 9 (4)). In
 the event of the amount of compensation being agreed,
 the agreement must be made in pursuance of a resolu-
 tion of an absolute majority of the whole number of the
 Water Board, and must be confirmed by the Court of
 Arbitration constituted under the Act.

Effect of The effect of transfer will be generally to substitute
transfer the Water Board for the Companies for the purposes of
(Sect. 3). water supply within the same limits, and to confer upon
 the Board all the powers and rights of the Companies,
 and to impose upon it all their duties, obligations, and
Sect. 4. liabilities. All debts, debenture stock, rent-charges, or
 other annual payments secured on the undertakings or
 income of the Water Companies will be charged upon
 the water fund of the Board.

Irredeem- The existence of irredeemable debenture stock created
able by the Water Companies presented some difficulty, as it
debenture is contrary to the policy of Parliament and the practice
stock of of the Local Government Board to allow a local authority
Water to contract a perpetual indebtedness, and such irredeem-
Com-
panies
(Sect. 7).

able debenture stock would have been an irremovable Introd. obstacle in the way of the Water Board consolidating its debts. The difficulty has been met by providing that such debenture stock shall be extinguished within two years after the appointed day, and that such an amount of water stock as is sufficient to produce the same sum by way of income as previously received shall be issued to the holder of the debenture stock in substitution for it. In order to prevent the holder of such stock losing in capital value, it is provided that the water stock so issued to him shall not be redeemable for sixty years from 31st March, 1903.

With regard to redeemable debenture stock and mortgage debts, the Water Board is to redeem and pay off the whole of these within 100 years from the same date, but must redeem all debenture stock in accordance with the conditions as to redemption under which it was issued by the Water Companies.

Special provisions are made by the Act with respect to the New River Company, which is in a different position to the other Water Companies in two important respects :

(1) the property of the Company belongs to the owners of the thirty-six shares in the Adventurers' moiety of the undertaking and the owners of the thirty-six shares of the King's moiety, as tenants in common. The Company administer this property as agents for those owners, and divide the profits amongst them in proportion to their holdings. The property in these shares is real property, and is transmissible as such. There is no share register as in other companies ; but property in the shares is transferred as if it were land, an abstract of title

Redeem-
able
debenture
stock and
mortgage
debts
(Sect. 8).

As to the
New River
Company
(Sect. 9).

Introd. being prepared and examined in every case of a transfer. It is therefore impossible for the Company to ascertain who are entitled to the shares in the Company. (2) The Company own, in addition to their water undertaking, a large landed estate in Clerkenwell. The accounts of this estate are kept distinct from the accounts of the water undertaking, and are not subject to audit by the Government auditor under the Metropolis Water Act, 1871. The Act therefore excepts from the undertaking, for purposes of transfer to the Water Board, the Clerkenwell estate of the Company, and all debts, liabilities, etc., of the Company incurred solely in respect of that estate. It further provides that the compensation of the Company shall be discharged wholly in water stock, a provision which was inserted at the instance of the Company themselves. A provision is also inserted in the section specially dealing with the Company to the effect that the Company shall introduce a Bill into Parliament providing for the distribution of water stock among the various classes of shareholders in the Company, as it was found impossible to deal with this subject in a scheme framed under the Fourth Schedule, as in the case of the other Companies.

Staines
Reservoirs
Joint
Com-
mittee
(Sect. 10).

Although the undertaking known as the Staines Reservoirs will be transferred to the Water Board by Section 2, no compensation is to be payable to the Staines Reservoirs Joint Committee for the transfer. The undertaking, which was sanctioned by the Staines Reservoirs, etc., Act, 1896, is administered on behalf of three of the Water Companies—the New River, the West Middlesex, and the Grand Junction—by a Joint Committee

composed of directors of the three Companies ; and the Committee is a body corporate. The Committee has constructed reservoirs, and for this purpose raised money by the issue of debenture stock, which is guaranteed by the three Companies ; but there is no ordinary stock. Although no compensation is payable to the Joint Committee, Section 10 of the Act provides that nothing therein shall prejudice or affect any claim which any Metropolitan Water Company make in respect of the interest of the Company in the undertaking of the Joint Committee or any expenditure by the Company in respect of the said undertaking. (See, however, Staines Reservoirs, etc., Act, 1896, Section 84, and Staines Reservoirs (Amendment), etc., Act, 1901, Section 2.)

Special provision is made, in the case of the urban districts of Tottenham and Enfield, for the transfer of the water undertakings of their respective District Councils to the Water Board, who are in future to supply the districts ; and for the exclusion from the limits of supply of the Water Board of the boroughs of Croydon and Richmond, and the urban districts of Cheshunt and Ware, which four places all have a water supply and works of their own. At the same time, all waterworks and plant within these four places used for supply therein, which have been taken over by the Water Board from any Water Company, are to be transferred to the Councils upon terms to be settled, in default of agreement, by arbitration. The money required as the consideration for such transfer may be raised by the Councils under the provisions of the Public Health Acts. An important provision is made for the supply by the Water Board

Introd.

Special provisions relating to Tottenham and Enfield, Croydon, Richmond, Cheshunt and Ware (Sects. 12, 13 and 14).

Sect. 21.

Introd. of water in bulk to any of the four last-mentioned places, and to any rural district situate wholly or partly within the limits of supply, the Council of which may demand such supply. In the event, however, of such demand being made, the rural district so supplied is to cease to be within the limits of supply. The quantity to be supplied and the terms of supply are to be settled, in default of agreement, by arbitration. In the case of boroughs and urban districts which cease to be within the limits of supply, and demand a supply in bulk, until the quantity to be so supplied is determined by arbitration, the Water Board is to supply such quantity as the Council may require, not exceeding three hundred and fifty gallons per diem for each supply within the borough or urban district as ascertained from the register of supplies in existence at the appointed day (Section 50). In the case of Hertfordshire, however, the quantity to be supplied for any district, whether urban or rural, is determined by Section 14 of the Act, the price, terms, and conditions of the supply being settled by arbitration.

Financial
provi-
sions.
Water
Fund
(Sect. 15).

Following the precedent of the Local Government Act, 1888, the Act creates a general fund, called the Water Fund, into and out of which all receipts and expenses of the Water Board are to be paid. Any sum required to meet a deficiency in this fund is to be apportioned amongst the City of London and the Metropolitan boroughs in the County of London, and the municipal boroughs and urban districts outside London, the Councils of which are for the time being entitled to be represented on the Water Board, in proportion to the rateable value of the hereditaments supplied with water; but the

rate to be levied will be spread over the whole of the Introd. City and each such borough and district. No rural districts, but all boroughs and nearly all urban districts within the limits of supply, are represented on the Water Board, the reason for the exclusion of a few of the urban districts being that but very few supplies are given in them. In order to prevent the Water Board from throwing any material part of their expenses on the rates, a provision is inserted in Section 15 prohibiting the Water Board from reducing the rates charged for water below those in force during the quarter ending 24th June, 1902.

The Water Board are given power to borrow, and all money borrowed is to be raised by means of the issue of ^{Powers of borrowing (Sect. 16).} water stock, unless the Local Government Board consent to some other mode of raising money, as would presumably be the case when small sums only were required, when borrowing on mortgage for a short term would probably be the mode authorised for raising money.

The water stock so issued, and called Metropolitan ^{Issue of water stock (Sect. 17).} Water Stock, is to bear interest at such rate not exceeding 3 per cent. as the Water Board, after consultation with the Governor of the Bank of England, may resolve, and is, with the interest thereon, to be charged on the Water Fund and on all the revenues of the Water Board, and is to be a security in which a trustee may invest under the powers of the Trustee Act, 1893. Metropolitan Water Stock is to be issued, transferred, dealt with, and redeemed, in accordance with regulations made from time to time by the Local Government Board, for which purpose Section 52 of the

Introd. Public Health Acts Amendment Act, 1890, is made applicable to it.

Discharge of water stock and repayment of loans (Sect. 18). The Water Board is required, in accordance with regulations made by the Local Government Board, to make provision by the creation of one or more sinking or redemption funds or otherwise, for the discharge within
 ✓ one hundred years from 31st March, 1903, of the amount of water stock issued by them in consideration for the transfer of the undertakings of the Metropolitan Water Companies, or created for the purpose of borrowing the sum required to be paid for the transfer of the undertakings of the Urban District Councils of Tottenham and Enfield, and for the discharge within that period of all debenture stock and mortgage debts transferred to them under the Act. All money borrowed for any other purpose must be repaid within the period authorised by the Local Government Board, which can in no case exceed sixty years from the date of borrowing (Section 16 (3)); but the obligation to make any annual payments for the above purposes is postponed for a period of twenty years, except to the amount (if any) by which the receipts of the Water Board exceed its expenditure on revenue account in any one year, after deducting and carrying forward a reasonable amount for current expenses.

Accounts and audit (Sect. 19). The accounts of the Water Board are to be made up
 ✓ and audited in the same manner as accounts of County Councils under the Local Government Act, 1888, Section
 Sect. 20. 71; a Finance Committee is to be appointed, and an estimate is to be submitted to the Board at the commencement of every financial year.

All capital receipts of the Water Board are to be Introd. applied in such manner as the Local Government Board Applica- may sanction towards any purpose for which money tion of may be borrowed under the Act, or towards the capital discharge of any loan, or any other purpose to which receipts capital money may be applied by the Water Board. (Sect. 22).

For the purpose of arbitrations under the Act, a special Arbitra- Court of Arbitration is constituted, consisting of three tion Commissioners, who are named in the Act. In the event (Sect. 23). of a vacancy occurring from any cause in the Court of Arbitration at any time, the Lord Chief Justice of England is to appoint a person to fill the vacancy. The Court of Arbitration may act by two of their number, and notwithstanding any vacancy in their number. The authority of the Court of Arbitration extends to the settlement and determination by them, on such terms and in such manner as is most just and fit, of the matters referred to them, and also of all such matters and questions as are, in their judgment, incidental thereto or consequential thereon, to the end that their award or awards may effect a final and equitable settlement. Every award, order, and other instrument proceeding from the Court of Arbitration is to be binding and conclusive, and to have the like effect as if it had been made by a Judge of the High Court. The Court of Arbitration may, however, state their award, or any part of it, in the form of a special case for determination by the Court of Appeal, and may at any stage of the proceedings at an arbitration, and shall, if so directed by the Court of Appeal, state in the form of a special case for determination by that Court any

Introd. question of law arising in the course of an arbitration, and an appeal will, with the leave of the Court of Appeal, but not otherwise, lie from the Court of Appeal to the House of Lords, a limited period being allowed for such appeal.

In fixing the sums to be paid by the Water Board, the Court of Arbitration is to determine the value of the undertaking of each Metropolitan Water Company as if with the necessary modifications the law of compensation for the purposes of the Lands Clauses Acts were applicable to the case; but the Court is expressly precluded from making any allowance for compulsory sale, and taking into account any enhancement or depreciation of the market value of any stock or shares of a Company which, in the opinion of the Court, resulted from the passing, or anticipation of the passing, of the Act; an allowance, however, may be made for recoupment of any loss of interest pending reinvestment, as well as for the cost of reinvestment, and for covering any costs or expenses incurred or likely to be incurred by a Company or its shareholders in consequence of the passing of the Act, which the Court think ought to be borne by the Water Board. The costs of a Metropolitan Water Company incurred in an arbitration under the Act are to be borne by the Water Board, unless the Court of Arbitration otherwise determine. The Court are to commence their sittings within nine months after the passing of the Act, and are to proceed with the arbitrations so as to make as far as possible all their awards before the appointed day.

Powers are conferred upon the Water Board to manage **Introd.** and alter and, with the consent of the Local Government **Sub-** Board, to alienate any land or buildings transferred to **sidary** them under the Act. They may also promote or oppose **powers of** any Bill in Parliament, and may, through their clerk or **Water** any officer or member of the Board acting under a **Board** general or special resolution of the Board, prosecute or **(Sect. 24).** defend legal proceedings. In connection with the power **Promotion** to promote Bills in Parliament, it is to be observed that **of Bills in** Section 31 provides that nothing in the Act shall affect **Parlia-** the right of any council or other authority represented **ment, etc.** on the Water Board to be heard against any Bill or **Rights of** Provisional Order promoted or applied for by the Water **local au-** Board. This provision is inserted in order to preserve **thorities** the *locus standi* of councils and other authorities against **to oppose** such Bills and Orders, which might otherwise have been **(Sect. 31).** disallowed on the ground of their representation by the Water Board.

The office and duties of the Water Examiner, **Water** appointed under Section 36 of the Metropolis Water **Examiner** Act, 1871, will be continued after the undertakings of **(Sect. 25).** the Water Companies have been transferred to the Water Board, and that Board is also to have chemical and bacteriological examinations made of the water supplied by them, and to take and record such observations as may be required by the Local Government Board.

Where a variation of population, or the constitution or **Alteration** inclusion of any borough or urban district within the limits **of repre-** of supply require it, the Local Government Board may **sentation** make a Provisional Order altering the representation of **of** Water **boroughs,** **etc., on**

Introd. boroughs and urban districts on the Water Board, and Board, and of total number of Board (Sect. 26). may by such order alter the total number of members of the Board. They may also by Order reinclude within the limits of supply a district which, having as a rural district ceased to be within those limits, has subsequently been made an urban district. Orders so made will have no effect unless confirmed by Parliament.

* Annual report to Parliament (Sect. 28). The Water Board are required to make an annual report of their proceedings to the Local Government Board, who will lay it before Parliament as a separate paper.

^ Dissolution of Water Companies (Sect. 29). The Act provides for the dissolution of each of the Water Companies, after the compensation due to such Company has been paid or satisfied in water stock, and the scheme required by the Fourth Schedule for the application and distribution of such compensation has been carried out, and a certificate to that effect has been obtained from the Board of Trade. An exception to this provision is made in the case of the New River Company, which will be dealt with under the Bill which the Company is to introduce, as already mentioned. Another exception is made in the case of the Staines Reservoirs Joint Committee, which will be dissolved on the appointed day under Section 10 of the Act.

Maintenance of undertakings till appointed day (Sect. 40). Until the appointed day the undertakings of the Water Companies will be carried on by them as heretofore; but if the Water Board think that any appointment to any office, or any alteration in the rate of salary or wages to any officer or servant, or any contract made by any Company, subsequently to the introduction of the Bill for the Act, was not reasonably made in

the ordinary course of business, the Board may, after Introd. notice in writing to the Company within three months after the appointed day, refer the matter to the Court of Arbitration, who shall determine whether and to what extent any liability in respect of such appointment, alteration, or contract is to be transferred to the Board, or to continue as a liability of the Company. In either case the rights of the other party to the contract will not be affected. The accounts and balance sheet of each of the Companies up to the appointed day are to be made up and audited in the manner prescribed by the Metropolis Water Act, 1871, notwithstanding the repeal of the sections of that Act relating to accounts by the Act (see the Fifth Schedule). The balance shown in the accounts as audited, representing profits available for dividend and legally distributable as such, will then be paid over to each Company by the Water Board, and the amount of such balance will not be taken into account in estimating the compensation payable for the transfer of the undertaking of the Company to the Board.

For the purpose of enabling the Water Companies to prepare and conduct their cases for arbitration, and generally to carry on their business, and to wind up their affairs, any company may, after the appointed day, temporarily retain for their own use such money, offices, books, accounts, and documents as may be agreed upon between them and the Water Board, or, failing agreement, be determined by the Local Government Board, and they are also to have free access to all the works, as well as books, etc., transferred to the Water Board

Provisions enabling Companies to carry on business, etc., after appointed day (Sects. 41, 42).

Introd. for the purpose of inspection, copying, etc.; while, on the other hand, any person authorised in that behalf by the Water Board is to have similar rights with reference to works, books, etc., while they remain in the possession of the Companies. The Water Board is also to pay to each company from time to time, on account of the sum ultimately found to be due to the Company from the Board, such sums as may be agreed upon, or, failing agreement, be determined by the Local Government Board.

Payments of dividends to Companies till discharge of compensation (Sect. 43).

As the undertakings of the Companies may be taken over before the amount of compensation is ascertained, a provision is inserted in the Act requiring the Water Board to pay, by way of interest on purchase money, to each Company, until the compensation is paid, half-yearly at the dates when the dividend on ordinary and preference capital would have been distributed, a sum of money equal to a dividend calculated on the average rate of dividend paid thereon respectively in respect of the two half-years preceding the publication of the notice of the Bill for the Act, together with, in respect of the reasonable expectations of increasing dividends (if any), such additional sum as, failing agreement, may be determined by arbitration under the Act, provided that such sum does not exceed the amount which, by reason of any limitation on the yearly dividend of the Company, would have been distributable as dividend by the Company before the Act.

Temporary advances (Sect. 44).

With a view to supplying funds to the Water Board on entering on the undertakings of the Water Companies, they are empowered to obtain advances of money

up to £500,000. In the event of their desiring to raise Introd. a larger sum, they must obtain the sanction of the Local Government Board.

Legal proceedings pending by or against any of the Water Companies may be continued by or against the Water Board, and all contracts, agreements, and other instruments affecting any Water Company will be of full force and effect against and in favour of the Water Board.

In the same way all byelaws, regulations, and scales of charges made or enforceable by any Water Company will continue in force with respect to the undertaking to which they relate, until repealed or superseded. Existing byelaws, etc., of Companies (Sect. 46).

Every officer and servant of a Metropolitan Water Company employed in connection with their undertaking immediately before the appointed day will, as from that day, become an officer or servant of the Water Board by the same tenure and upon the same terms and conditions, and at not less salary or wages than he would have received if the Act had not been passed. The Water Board, however, may abolish the office or situation of any officer or servant which they deem unnecessary, and any officer or servant required to perform duties not analogous to those which he was required to perform as an officer or servant of a Water Company may relinquish his office or service. In either of these cases, and in all other cases in which he suffers any direct pecuniary loss in consequence of the passing of the Act, an existing officer or servant of a Company will be entitled to be paid compensation for such pecuniary loss by the Water Board, the amount of such compensation being determined in the manner provided by Section 120 of the Local Existing officers and servants of Water Companies (Sect. 47).

Introd. Government Act, 1888, in the case of officers dealt with under that section, with the substitution of references to the Water Board and water fund for references to the County Council and county fund. Any person who on the appointed day is in receipt of a pension or other superannuation allowance from a Metropolitan Water Company will continue to receive it from the Water Board, unless he is guilty of grave misconduct, or unless the Court of Arbitration, on the application of the Water Board, determines that a grant or increase of a pension or superannuation allowance made by a Company after the date of the introduction of the Bill for the Act was not made in accordance with the usual practice of the Company, in which case the Water Board will not be liable to pay such pension or allowance, or increased pension or allowance, to such extent as the Court may determine. Provision is also made for granting superannuation allowances to officers and servants who become incapable of discharging their duties from permanent infirmity of mind or body, or who have attained the age of sixty years, or who, having been five years in the service of a Company, are dismissed by the Board on any ground other than misconduct, on the terms and according to the scale specified in the Superannuation (Metropolis) Act, 1866, which is made applicable to the Water Board, as if the Board were an authority mentioned in that Act.

Sect. 24
(4).

The above provisions as to officers and servants are by Section 11 (7) of the Act made to apply to officers and servants employed by the Urban District Councils of Tottenham and Enfield solely on or in connection with

their water undertakings, which are by the same section Introd. transferred to the Water Board.

Although such a provision is very unusual, except as part of a Parliamentary bargain, the Act provides for the payment of compensation to such directors of the Water Companies as were in office both at the date of the publication of the notice for the Bill for the Act and on the appointed day. The amount of the compensation is, failing agreement, to be determined by an arbitrator appointed by the Local Government Board. The auditor of the accounts of the Water Companies is also to be paid compensation for loss of office, the amount being determined by the Local Government Board.

Compensation to directors and auditors of accounts of Companies (Sects. 48, 49).

An important power is conferred upon the Local Government Board by Section 51 of the Act to make Orders for the removal of any difficulty which may arise with respect to the establishment of the Water Board, the appointment of first members, or the first meeting of the Board, and orders so made may modify the provisions of the Act.

Power of Local Government Board to remove difficulties.

The rights of Suburban Water Companies are protected by provisions in the Act prohibiting the Water Board from supplying water in competition with them within the areas of supply of those Companies, although such areas may be also included within the limits of supply of a Metropolitan Water Company, whose undertaking and powers will be transferred to the Water Board by the Act, except, in the case of some of the Suburban Companies, to premises supplied already, and at the appointed day, by a Metropolitan Water Company. The prohibition is, in the case of some of the Suburban

Saving of rights of Suburban Water Companies (Sects. 32-36).

Introd. Companies, perpetual, but in the case of others is to apply only so long as the Suburban Company affected by it is able and willing to supply water proper and sufficient for all reasonable purposes. Any difference which may arise as to whether the water which any such Company is able and willing to supply, or whether the purposes for which it is required are reasonable, is to be determined in the manner provided by Section 52 of the Public Health Act, 1875.

These are in outline the principal provisions of the Act, for the details of which reference must be made to the sections themselves.

METROPOLIS WATER ACT, 1902.

[2 EDW. 7. C. 41.]

ARRANGEMENT OF SECTIONS.

A.D. 1902.

Establishment of Water Board.

Section.

1. Establishment of Water Board.

Transfer to Water Board of Undertakings of Companies.

2. Transfer of undertakings of water companies to Board.
3. Effect of transfer.
4. Security for mortgage and other debts transferred to Board.
5. Discharge, application, and distribution of compensation.
6. Application of sinking funds.
7. Substitution of water stock for irredeemable debenture stock.
8. Provisions as to redeemable debenture stock and mortgage debts.
9. Special provisions as to New River Company.
10. Provisions as to Staines Reservoirs Joint Committee.

A.D. 1902. *Provisions as to certain Boroughs and Districts.*

SECTION.

11. Transfer of water undertakings of the Tottenham and Enfield District Councils.
12. Provisions as to certain boroughs and urban districts.
13. Supply in bulk to certain districts and persons.
14. Special provisions as to Hertfordshire.

Financial Provisions.

15. Expenses of Board.
16. Powers of borrowing.
17. Issue of water stock.
18. Provisions as to discharge of loans, etc.
19. Accounts and audit.
20. Provisions as to payments by the Water Board.
21. Power of certain local authorities to borrow.
22. Application of capital receipts.

Arbitration.

23. Provisions as to arbitration.

Miscellaneous.

24. Subsidiary powers of Water Board.
25. Provisions for securing the supply of pure and wholesome water.
26. Power of the Local Government Board to make provisional orders for certain purposes.
27. Provisions as to local inquiries.
28. Annual report.
29. Dissolution of water companies.
30. Provision as to qualification of justices.

*Savings.*A.D. 1902.

SECTION.

31. Saving of right of authorities to be heard against Bills.
32. Saving for the Colne Valley Water Company.
33. Saving for the South West Suburban Water Company.
34. Saving for the Sutton District Water Company.
35. Saving for the Barnet District Gas and Water Company.
36. Saving for the South Essex Waterworks Company.

Definitions: Repeal: Short Title.

37. Definitions.
38. Repeal.
39. Short title.

Transitory Provisions.

40. Maintenance of undertakings till appointed day.
41. Provisions for enabling companies to carry on the business, etc., after the appointed day.
42. Inspection of works, etc., of companies.
43. Payment of dividends to companies till discharge of compensation.
44. Temporary advances.
45. Pending proceedings and existing contracts.
46. Saving for existing byelaws, etc.
47. Existing officers and servants.
48. Compensation to directors.
49. Compensation to auditor of companies accounts.
50. Transitory provisions as to supply in bulk.
51. Power of Local Government Board to remove difficulties.
52. Provisions as to stamp duty on transfer.
53. Costs of Act.

SCHEDULES.

ADDENDUM.

The decision of the Court of First Instance in *Lamplough v. The Company of Proprietors of the Kent Waterworks*, referred to in Note (m) on p. 46, was unanimously affirmed by the Court of Appeal on 18th March, 1903 (see *Times* of 19th March).

METROPOLIS WATER ACT, 1902.

[2 EDW. 7. C. 41.]

An Act for establishing a Water Board to manage the supply of Water within London and certain adjoining Districts, for transferring to the Water Board the undertakings of the Metropolitan Water Companies, and for other purposes connected therewith. A.D. 1902.

[18th December, 1902.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Establishment of Water Board.

1.—(1) A board, to be called the Metropolitan Water Board, and in this Act referred to as “the Water Board,” shall be established for the purpose of acquiring by purchase and of managing and carrying on the undertakings (a) of the companies mentioned in the First Schedule to this Act (b) (in this Act referred to as “metropolitan water companies”), and generally for the purpose of supplying water within the area described in the Second Schedule to this Act, subject to such alterations (c) therein as may be made by or under this Act (which area is in this Act referred to as “the limits of supply”).

Establish-
ment of
Water
Board.

(2) The Water Board shall be a body corporate with a common seal, having power to acquire and hold land for the purposes of this Act without licence in mortmain.

(3) Subject to the provisions of this Act (d), the Water Board shall consist of a chairman, a vice-chairman, and

Sect. 1. other members ; the chairman and vice-chairman shall be
SUB-S. 3 appointed by the Water Board, and the other members shall be appointed as follows :—

Fourteen by the London County Council.

Two by the common council of the City.

Two by the council of the city of Westminster.

One by the council of each of the other metropolitan boroughs.

One by the county council of Essex.

Two by the council of the borough of West Ham.

One by the council of the urban district of East Ham.

One by the council of the urban district of Leyton.

One by the council of the urban district of Walthamstow.

One by the councils of the urban districts of Buckhurst Hill, Chingford, Loughton, Waltham Holy Cross, Wanstead, and Woodford.

One by the county council of Kent.

One by the councils of the urban districts of Beckenham, Bromley, Chislehurst, Penge, Bexley, Dartford, Erith, and Footscray.

One by the county council of Middlesex.

One by the council of the urban district of Tottenham.

One by the council of the urban district of Willesden.

One by the council of the borough of Ealing and the councils of the urban districts of Acton and Chiswick.

One by the councils of the urban districts of Brentford, Hampton, Hampton Wick, Hanwell, Heston and Isleworth, Sunbury, Teddington, and Twickenham.

One by the councils of the urban districts of Edmonton, Enfield, and Southgate.

One by the councils of the urban districts of Hornsey and Wood Green.

One by the county council of Surrey.

One by the council of the borough of Kingston and the councils of the urban districts of East and West Molesey, Esher and the Dittons, Ham, Surbiton, Barnes, the Maldens and Coombe, and Wimbledon.

One by the county council of Hertfordshire.

One by the Conservators of the River Thames.

One by the Lee Conservancy Board.

(4) The Water Board may pay to the chairman and vice-chairman or either of them such salary or salaries as the Board may determine.

(5) Subject to the provisions of this section the provisions of the Third Schedule to this Act (e) with respect to the constitution and proceedings of the Water Board shall have effect. Sect. 1.
SUB-S. 5.

Sub-s. (1) (a) For the meaning of the expression "undertakings" see Section 37, and, in the case of the New River Company, see Section 9 (1), (3), (6).

(b) The Companies mentioned in the First Schedule, *infra*, include the eight Metropolitan Water Companies and the Staines Reservoirs Joint Committee, which consists of nine members, viz., three directors from each of the three Companies represented on the Joint Committee, viz., the West Middlesex, Grand Junction, and New River Companies (*Staines Reservoirs, etc., Act*, 1896, 59 and 60 Vict. c. cxxli. Part II.). A special section of this Act (10) deals with the Joint Committee.

(c) "Subject to such alterations therein as may be made by or under this Act." Sections 12 and 13 provide for certain urban and rural districts ceasing to be within the limits of supply. Section 26 (2) provides for the reinclusion by Provisional Order within the limits of supply of rural districts which have ceased to be within the limits of supply and subsequently become urban districts. It is to be observed that the provisions of Section 3 of the Act will or may have the effect of extending the limits of supply in cases where a Metropolitan Water Company, immediately before the appointed day, is supplying otherwise than in bulk in a parish in which such supply is not authorised by the Local Acts relating to the Company. However, certain later sections (32-36) protect the interests of certain suburban Water Companies which might be affected by these provisions of Section 3.

Sub-s. (3) (d) "Subject to the provisions of this Act." See Section 26 (1), which authorises the variation of representation and the alteration of the total number of the members of the Water Board.

The Water Board, as constituted under this section, will consist of 66 members, appointed by the Constituent Authorities (see the definition of this expression in Section 37), with a chairman and vice-chairman. The chairman and vice-chairman will be appointed by the Water Board (Third Schedule, paragraph 1, *infra*), either (1) from among their own members, or (2) from persons outside the Water Board. In (1) the former case there will be no increase in the total number (66) of the Water Board, since the appointment will not create a casual vacancy on the Board; in (2) the latter case the total number will be increased to 67 or 68, according as the chairman or vice-chairman (or both) are appointed from outside the Water Board. The Constituent Authorities consist of: (1) single bodies, viz., County Councils, the Common Council of the City of London, Borough Councils (metropolitan and municipal), Urban District Councils, the Conservators of the River Thames, and the Lee Conservancy Board; and (2) grouped councils (municipal borough, and urban district) acting through a joint committee in the appointment of a single member of the Water Board to represent each group of councils.

Sub-s. (5) (e) Section 51 enables the Local Government Board to make orders for the purpose of removing any difficulties arising in respect of the establishment of the Water Board or the appointment of the first members and the first meeting thereof.

For provisions affecting this sub-section, see Third Schedule, with appended notes, *infra*.

The member of the Water Board to be appointed by the Conservators of the River Thames is required by paragraph 5 of the Third Schedule to be a conservator appointed either (1) by the County Councils of Gloucestershire

Sect. 1. and Wiltshire, or (2) by the County Councils of Oxfordshire, Berkshire, or
NOTE. Buckinghamshire, or (3) by the Council of the County Borough of Oxford
SUB-S. 5. or Reading. With this exception, persons appointed to be members of the
 — Water Board need not be members of the Constituent Authorities, whether
 (1) single bodies or (2) grouped councils, who appoint them; but every
 member appointed by a council to represent the council on a joint com-
 mittee of grouped councils must be appointed by the council from among
 the members of their own body (see Article II. of Order of Local Govern-
 ment Board, dated 9th January, 1903 [44,911], Appendix B, *post*, made
 pursuant to paragraph 11 of Third Schedule, *infra*); and if a person ap-
 pointed to be a member of the Water Board is a member of the council or
 one of the councils by whom he is appointed, he shall, if he cease for two
 months to be a member of that council, at the end of that period vacate
 his office as member of the Water Board (Third Schedule, paragraph 4).

It is to be observed that the Local Government Board has power under
 Section 26 (1) of the Act at any time to make a Provisional Order altering
 the representation on the Water Board of boroughs and urban districts,
 and thereby also to alter the total number of members of the Water Board.

Transfer to Water Board of Undertakings of Companies.

Transfer
 of under-
 takings
 of water
 companies
 to Board.

2.—(1) Subject to the provisions of this Act (*a*), as from
 the appointed day (*b*), the undertaking of each of the
 metropolitan water companies shall be transferred to and
 shall vest in the Water Board, and there shall also be
 transferred from each company to the Water Board all
 liabilities with respect to any debenture stock or mortgage
 debt (*c*) of such company, and all other debts, liabilities,
 and obligations of such company then existing.

(2) The Water Board shall pay to each company, as
 compensation for the transfer of their undertaking (*d*),
 such sum as may be agreed on between the Board and the
 company, or, in default of agreement, as may be determined
 by arbitration under this Act, but the sum so payable may,
 if the Water Board and the company so agree, be discharged
 wholly or partly in water stock.

(3) An agreement for the purposes of this section (*e*)
 shall not be made except in pursuance of a resolution of an
 absolute majority of the whole number of the Water Board
 after ten clear days' notice in writing of the meeting and of
 the intention to propose the resolution has been given to
 every member of the Board, and any such notice shall state
 the amount of the sum to be paid, or of the water stock
 to be issued, under the proposed agreement. Any such
 agreement shall be valid only if and so far as it is confirmed
 by the Court of Arbitration constituted by this Act, and
 that Court may confirm the agreement either with or
 without modifications.

Sub-s. (1) (a) "Subject to the provisions of this Act." These words have reference *inter alia* to such provisions as Section 41 (a), which authorises the retention by the Companies of certain sums of money and documents.

Sect. 2.
NOTE.
SUB-S. 1.

(b) For definition of "appointed day," see Section 37.

For definition of "undertaking," see Section 37, and with regard to the New River Company, Section 9 (1), (3), (6).

The transfer of the undertakings of the Companies is made to operate from fixed dates, whether the amount of consideration payable has or has not been determined, in order that the undertakings of all the Companies shall be in the hands of the Water Board within a limited period.

(c) "Debenture stock" and "mortgage debt," by the terms of the definitions in Section 37, respectively include debentures and debts secured by bond or otherwise. See, in connection with this transfer of liabilities and obligations, Sections 3, 4, 7, 8, 9 (2), 40 (1), and 45 (b).

Sub-s. (2) (d) The consideration to be paid as compensation for the transfer of a Company's undertaking, when ascertained, is to be payable in cash, but may by agreement between the Water Board and the Company be discharged wholly or partly in water stock. Section 9 (4) makes an exception in the case of the New River, the consideration to that Company having to be discharged wholly in water stock.

The sub-section does not apparently require any special formalities to be observed on the part of the Company. For instance, it is submitted that if the Company entrusted the directors with plenary powers to negotiate on their behalf, the agreement might be made between the Water Board and the directors without any confirmation on the part of the Company.

Sub-s. (3) (e) The provisions of this sub-section have been inserted to prevent an agreement being sanctioned at a sparsely attended meeting of the Water Board, and without due notice. According as the total numbers of the Water Board are 66, 67, or 68, which will depend upon whether the chairman and vice-chairman are appointed from amongst the members of the Board or from outside, the absolute majority of the whole number of the Water Board will be 34 or 35. The provisions apply both to agreements as to the amount of compensation to be paid for the undertakings and as to discharging the compensation in whole or in part in water stock. The members of the Water Board appointed by the Conservators of the Thames and Lee are disqualified from voting on these agreements (Third Schedule, paragraph 6, *infra*). See also Third Schedule, paragraph 2, (c).

No agreement for the purposes of this section is valid except so far as it is confirmed by the Court of Arbitration constituted by the Act, who may also modify it.

No time is fixed within which the parties are to agree.

As to the powers of the arbitrators and the matters which they are and are not to take into consideration in determining the price, see Section 23 and note thereon.

3. Subject to the provisions of this Act (a), as from the appointed day the Water Board shall hold the undertaking of each metropolitan water company and may exercise all the rights, powers, authorities, and privileges of the company, and shall (to the exclusion of the company) be subject to all the duties, obligations, and liabilities of the company, under the Acts, whether local or general, and the charters, orders, and other provisions relating to the company in like manner *mutatis mutandis* as if they were the company, and (b) where the company are, immediately before the

Effect of
transfer.

Sect. 3

appointed day, supplying water otherwise than in bulk in any parish in which they are not by the Acts relating to the company authorised to supply water, those Acts and all public general Acts applying to the metropolitan water companies shall as from that date extend and apply to that parish and the works of the company comprised therein, as if the parish had been a parish in which the company were authorised to supply water :

Provided (c) that so much of any Act as authorises or requires any such company to supply water otherwise than in bulk in any place which, in accordance with the provisions of this Act, ceases to be within the limits of supply, shall not, so long as that place continues to be without the limits of supply, apply to the Water Board.

(a) "Subject to the provisions of this Act." It results from these words that such provisions as those relating to the constitution of the Companies, their method of procedure, powers of borrowing, quorum, etc., are superseded by the provisions of the Bill. The words also have reference to such provisions as Sections 6 (3), 16 (5), 26 (3), and 40 (1).

(b) The last few lines before the proviso are inserted to cover the cases where the Companies have supplied water in parishes outside the area in which they are authorised by their special Acts to supply water. Two cases of such an unauthorised supply are Sunbury and Chessington, which are specifically included in the description of the limits of supply in the Second Schedule, *infra*. The effect of this provision is to legalise the supply in the parishes covered by it, and to give the Water Board the same powers of opening up streets, etc., as they have in the rest of the area of supply, and practically to enlarge the limits of supply beyond the area described in the Second Schedule.

(c) The proviso is added to cover the cases of the districts which under Sections 12 and 13 cease to be within the limits of supply. On a district ceasing to be within the limits of supply the right and obligation of the Water Board to supply water otherwise than in bulk in that district will cease, but the other provisions of the local Acts will continue to apply, and consequently the Water Board will continue to have powers of opening streets for the purpose of repairing their mains which run through the districts which have ceased to be within the limits of supply.

Security
for mort-
gage and
other
debts
trans-
ferred to
Board.

4. As from the appointed day any debts, debenture stock, or rentcharges (a) or other annual payments (b) secured on the undertaking or income of any of the metropolitan water companies or any part thereof shall be by virtue of this enactment secured in like manner on the water fund established by this Act, and any debts, debenture stock, or rentcharges or other annual payments charged on any specific property of any such company (c) shall remain charged on that property ; and the mortgagee or other person secured shall have the same rights and remedies, as nearly as may be, against the Water Board and the

water fund or any specific property charged, as he would have had against the company and the undertaking or income, or the specific property charged, if this Act had not been passed. Sect. 4.

(a) This section gives a creditor secured on the undertaking of a Metropolitan Water Company a substituted security on the water fund (see Section 15) for the money owed to him by a Company from the date (*i.e.*, the appointed day) when the undertaking of the Company is transferred to the Water Board. The holders of redeemable debenture stock (see Section 37 for definition of "debenture stock") will continue to hold it secured, after the appointed day, upon the water fund of the Water Board, and upon the specific security (if any) upon which it may happen to be secured, the Board being only empowered to redeem it on the terms named in Section 8 (3); but irredeemable debentures and debenture stock are to be extinguished within two years from the appointed day on the terms named in Section 7.

(b) "Other annual payments." These words cover the case of the annual sums payable by the New River and East London Companies to the Lee Conservancy Board, but it is believed that these payments are not made a charge on the Companies' undertakings, being merely statutory liabilities enforceable in the case of the East London Company by distress, but in the case of the New River Company by action for debt.

(c) In the case of debts, etc., charged on specific property of a Company, these are to remain charged on the same property after it has passed into the hands of the Water Board, who presumably (except with the concurrence of the person secured) could only alienate such property under the powers conferred upon them by Section 24 (a), subject to his rights as defined by the instrument constituting his security. It is doubtful whether, apart from debenture and debenture stock holders, there are any secured creditors of the Companies except those holding mortgages of the property of the Kent Company. The rights and remedies of a holder of debentures or debenture stock constituting a charge upon or a mortgage of the undertaking or income of a Water Company constituted for public purposes are, ordinarily, to have a receiver appointed, but not a manager or a sale of the undertaking (see *Blaker v. Herts and Essex Waterworks Company*, 41 Ch. D. 399, and *Marshall v. South Staffordshire Tramways Company*, 1895, 2 Ch. 36), and it would seem unlikely that the debentures, debenture stock, or mortgages of Metropolitan Companies, secured only on the undertaking or income, would form an exception to this general rule.

With regard to securities (if any such there be) charged on any specific property of a Water Company, the holders thereof will continue to enjoy, as against the Water Board, all such rights as are expressly given, or by law implied, in their securities.

5.—(1) The money or stock to which a metropolitan water company become entitled under this Act in consideration for the transfer of their undertaking shall be paid or issued to the company (a) by the Water Board within six months after the appointed day (b) or after the ascertainment of the amount thereof, whichever date is the later. Dis-charge, applica-
tion, and distribu-
tion of compensa-
tion.

(2) The money or stock so paid or issued shall be applied and distributed in the manner provided with respect to the

Sect. 5. company in the Fourth Schedule to this Act (c). This
SUB-S. 2. sub-section shall not apply to the New River Company (d).

Sub-s. (1) (a) "Issued to the Company." Provision is made by Section 9 (9) in the case of the New River Company, and by the Fourth Schedule, paragraph 2, *infra*, in the case of the other Companies, for the issue of water stock direct to the shareholders of a Company instead of to the Company.

(b) The Water Board will in every case have six months to make the necessary arrangements. Six months after the appointed day is inserted as an alternative to six months after the ascertainment of the purchase price, because the purchase price may be determined by agreement before the appointed day. (For definition of appointed day, see Section 37.)

Sub-s. (2) (c) For the method of application and distribution of the compensation, whether in the form of cash or water stock, see Fourth Schedule, *infra*.

(d) For special provisions as to the New River Company, see Section 9.

Applica-
tion of
sinking
funds.

6.—(1) As soon as the compensation to which any metropolitan water company are entitled has been applied and distributed in accordance with the provisions of this Act, the Chamberlain of the City of London shall transfer to the Water Board all money or other property received by him in respect of the stock or shares of the company held by him, and applicable as a sinking fund (a) towards the purchase of the undertaking of the company under the special Acts of the company, and shall at the same time transfer to the Water Board any debenture stock or money held by him and applicable towards the same purpose.

(2) Any water stock or debenture stock transferred to the Water Board under this section shall be forthwith cancelled and extinguished.

(3) So much of any local Act as requires any such company to make periodical payments to any such fund as aforesaid shall not apply to the Water Board (b).

Sub-s. (1) (a) What are known as sinking fund clauses have been inserted in all the Companies' special Acts which authorise the raising of new capital since 1886. These Acts empower the Companies to raise new capital by means of debenture stock only. The effect of the sinking fund clauses in question is as follows: the average percentage of the dividend which the profits of the company in any year would pay on the whole capital of the company, whether ordinary or preference or loan, is first calculated. The difference between this average percentage and the rate of interest which the debenture stock authorised to be issued by the special Act carries, together with 1 per cent. added for management, is next ascertained. A percentage on the debenture stock issued, calculated at the rate per cent. of the difference so ascertained, is required to be paid every year to the Chamberlain of the City as trustee, for the purpose of accumulating, by investment in the shares or stock of the particular Company, a fund by which the capital of the Company may be eventually extinguished.

The section provides that the Chamberlain shall retain the stocks and funds applicable towards the purchase of any Company until the con-

sideration payable to that Company has been paid or issued by the Water Board and distributed by the Company amongst its stockholders. The Chamberlain as a stockholder will receive his proper quota of this consideration. The Chamberlain will then hand over his quota of money or water stock to the Water Board, and will at the same time hand over any debenture stock and cash held by him and applicable to the purchase of the Company. The Water Board are then to cancel the water stock and debenture stock, so handed over to them, and are to use the money for any purpose to which they may apply capital money (see Section 22).

Sub-s. (3) (b) The sinking fund clauses are not repealed, but their application to the Water Board is negatived.

Sect. 6.
NOTE.
SUB-S. 1.
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7.—(1) Within two years from the appointed day all irredeemable debenture stock shall be extinguished (a), and the Water Board shall issue to the holders thereof in substitution therefor the amount of water stock to which they are severally entitled under this section.

Substitu-
tion of
water
stock for
irredeem-
able
debenture
stock.

(2) The amount of water stock to be so issued to a holder of debenture stock shall be such an amount as is sufficient to produce the same sum by way of income as the debenture stock in substitution for which it is issued.

(3) As soon as the Water Board resolve to issue water stock in substitution for any debenture stock under this section, they shall give notice of their intention to do so by advertising it once in the London Gazette and in two or more London daily newspapers, and by sending notice by post to each of the holders of that debenture stock, to his registered address, and the notice shall specify the place and the time, not being less than three months from the date of the notice, at which the issue of water stock will be made.

(4) Before water stock is issued under this section in substitution for any debenture stock the certificate of that stock shall be produced and delivered to the Water Board (b): Provided that the Water Board shall dispense with the production and delivery of a certificate upon receiving such indemnity as may be reasonably required.

(5) As from the time fixed by the notice for the issue of water stock in substitution for any debenture stock, that debenture stock shall be cancelled and extinguished, and no interest shall after that time accrue due in respect thereof, but the water stock issued in substitution therefor shall carry interest as from the time so fixed.

(6) Water stock issued under and for the purposes of this section shall not be redeemable until after the expiration of sixty years from the thirty-first day of March one thousand nine hundred and three (c).

Sect. 7. (7) The water stock under this section substituted for any
SUB-S. 7. irredeemable debenture stock shall be held in the same rights, on the same trusts, and subject to the same powers, provisions, charges, and liabilities as those in, on, or to which the debenture stock was held immediately before the substitution, and so as to give effect to, and not to revoke, any deed, will, or other instrument or testamentary or other disposition disposing of or affecting the debenture stock, and every such deed, will, instrument, or disposition shall take effect with reference to the whole or a proportionate part, as the case may be, of the substituted water stock.

Sub-s. (1) (a) This sub-section extinguishes compulsorily all irredeemable debentures and debenture stock (see definition of "debenture stock," Section 37) charged on the undertakings of the Companies, and is in accordance with the Local Government Board's settled policy not to allow a local authority to contract a perpetual indebtedness. The terms of redemption are apparently framed with the object of preventing the debenture holders from suffering any loss in capital value by the exchange, while their income will remain the same.

Sub-s. (4) (b) The provisions of this sub-section would appear to point to the Water Board being liable, in a case where they had issued water stock, without insisting on the delivery of a certificate, to a person who is not the true debenture stock holder, to issue fresh water stock to or otherwise compensate the true holder for the loss sustained by him.

Sub-s. (6) (c) The provision that water stock issued in exchange for irredeemable debenture stock shall not be redeemable until the expiration of sixty years, taken in conjunction with the provision contained in Section 17 (2) that it shall be charged on the water fund and all the revenues of the Water Board, and in Section 17 (4) that it shall be a trustee stock within the purview of the Trustee Act, 1893, appears to be intended to ensure that the holders of irredeemable debenture stock shall not lose in the capital value of their securities by the compulsory acceptance of water stock under this section. Section 17 (3) also provides that the regulations in respect of water stock issued for the purposes of this section shall be uniform with those relating to other water stock except as to the period of redemption.

Provision
as to
redeem-
able
debenture
stock and
mortgage
debts.

8.—(1) The Water Board shall, within one hundred years from the thirty-first day of March one thousand nine hundred and three, purchase or redeem (a), and pay off, all redeemable debenture stock (b), and all mortgage debts (c), and any stock so purchased or redeemed by the Board shall, as from the date of the purchase or redemption, be extinguished and cancelled.

(2) The holder of any such debenture stock or mortgage debt (d), whether or not he is a trustee or under any disability, may agree with the Water Board to accept water stock in lieu of money in consideration for his debenture stock or mortgage debt.

(3) Nothing in this section shall be construed as authorising the Water Board to redeem debenture stock

otherwise than in accordance with the conditions as to redemption applicable to the stock. **Sect. 8.**
Sub-S. 3.

Sub-s. (1) (a) The Water Board is given the option of either purchasing the securities in the open market or by agreement with the proprietors, or by redeeming on the terms on which the securities are redeemable by the Companies who issued them.

(b) "Debenture stock." For definition, see Section 37.

(c) "Mortgage debts." For definition, see Section 37.

Sub-s. (2) (d). Authorises the substitution of water stock for cash where there is an agreement to that effect, but does not authorise the Water Board to compel the holders of the purchased securities to accept water stock in lieu of cash. The language of the sub-section would appear, if taken literally, to authorise an infant or a lunatic to enter into agreements for the purposes of the section, which can hardly have been the intention, and probably in practice will not be the result.

9. With respect to the New River Company and the undertaking thereof, the following provisions shall have effect notwithstanding anything in this Act contained :— Special provisions
as to New
River
Company.

- (1) The undertaking (a) of the New River Company shall not include any landed estate, houses, or property of the company not directly used for or connected with their water supply (b), nor any books, accounts, or documents relating solely to such estate, houses, and property, nor any books, accounts, or documents which though connected with their water supply also relate to other parts of the undertaking or property of the New River Company, all which landed estate, houses, and property and books, accounts, and documents so excepted shall be specified in a schedule sealed with the seal of the company, and signed by the governor of the company and by a secretary of the Local Government Board, and deposited with that Board; and all such estate, houses, and property and every part thereof shall, as from the appointed day, be absolutely freed and discharged from the debenture stock of the New River Company and the Staines Reservoirs guaranteed debenture stock, and from all principal moneys and interest thereby secured.

- (2) There shall be excepted from the debts, liabilities, and obligations of the New River Company transferred to the Water Board all debts, liabilities, and obligations of that company incurred solely in respect of such estate, houses, and property as aforesaid, or any part thereof.

Sect. 9.
SUB-S. 3.

- (3) The undertaking of the New River Company shall not include (c) such part of the offices and premises in Rosebery Avenue now in the occupation of that company and the office furniture and fittings therein as may after the appointed day be reasonably required for the purposes of the company, and all structural or other alterations which may be requisite for the division of the said offices and premises shall be executed at the expense of the Water Board, and in case of difference as to such division or the cost thereof the same shall be settled by the Court of Arbitration.
- (4) (d) The sum payable to the New River Company as compensation for the transfer of their undertaking shall be discharged wholly in water stock (e), and the amount thereof shall, in default of agreement (f) made in accordance with the provisions of section two of this Act, be determined by arbitration under this Act.
- (5) The Court of Arbitration (g) constituted under this Act shall settle and determine the shares and proportions in which so much of the water stock issued to the New River Company under this Act as is distributable amongst the shareholders of the company shall be apportioned as between—
- (a) the owners of the thirty-six parts or shares in the Adventurers' moiety of the undertaking of the New River Company (hereinafter referred to as "the Adventurers' shares"); and
- (b) the owners of the thirty-six parts or shares in the King's moiety of the undertaking of the New River Company (hereinafter referred to as "the King's shares"); and
- (c) the owners of the New River Company's new shares issued under the New River Company's Act, 1866.

But (h) in determining the proportion of water stock to be apportioned to the owners of the Adventurers' shares the Court of Arbitration shall have regard to the sum payable to the New River Company under this Act and distributable amongst the directors by way of compensation for loss of office.

- (6) The transfer of the undertaking of the New River Company (*i*) to the Water Board shall include the transfer of all interest and estate of any shareholder of the company in any land or property forming part or used for the purposes of the undertaking of the company and not excepted by the provisions of this section. Sect. 9.
SUB-S.

- (7) (*k*) Every Adventurers' share and every King's share, and every part of an Adventurers' or King's share, and any water stock issuable or issued in respect of any such share or part of a share, and the right to receive any such water stock (*l*), shall—

- (i) until the appointed day ; and
(ii) after the appointed day, but thereafter only unless or until—

(a) some person who is *sui juris* is absolutely entitled beneficially in possession to or has a general power to dispose of such share or part of a share, or such water stock ; or

(b) such share or part of a share, or such water stock or the right to receive such water stock, is transferred on a sale to a purchaser (*m*)

for all purposes of disposition, transmission, and devolution (*n*), be considered as land, and (so far as regards such water stock or right to receive water stock) be held for and go to the same persons in the same manner and for and on the same estates, interests, and trusts as the Adventurers' or King's share, or the part of an Adventurers' or King's share, in respect of which the water stock is issuable or issued, would have been held and have gone under any will, settlement, or other instrument affecting that share or part of a share, or otherwise, if this Act had not been passed.

For the purposes of this provision the expression "general power" (*o*) includes every power or authority enabling the donee or other holder thereof to appoint or dispose of the fee simple or absolute interest of or in property in possession as he thinks fit, but exclusively of any power exercisable in a fiduciary capacity or exercisable as tenant for life under the Settled Land Acts, 1882 to 1890, or as mortgagee.

Sect. 9.
SUB-S. 8.

- (8) The New River Company shall, in the next or next succeeding session of Parliament, introduce into Parliament a Bill to make provision for the application and distribution of the water stock issued to the New River Company in consideration for the transfer of their undertaking, and provisions shall be inserted in such Bill for (amongst other matters) the following, that is to say:—
- (a) The distribution of the water stock amongst the several persons entitled to or interested in the Adventurers' shares, the King's shares, and the New River Company's new shares respectively, with all such provisions as may be necessary or desirable for the purpose of preserving the respective rights of such several persons and otherwise in relation to such stock;
 - (b) The transfer into court of any water stock in any case where the New River Company are unable to find the person to whom the same is issuable, or where the New River Company are unable to obtain an effectual discharge for the same;
 - (c) The eventual winding up and dissolution or the reconstruction of the New River Company;
And any further provisions which may be necessary or desirable in relation to the distribution of the compensation for the transfer of the undertaking of the New River Company, and for the protection of the directors of the company, shall be inserted in the Bill.
- (9) The Water Board shall, if so required by the New River Company, instead of issuing to the company the whole of the water stock to be issued to them under this Act, issue that water stock to such amounts and to such persons as the company may require (*p*), and the issue of water stock in accordance with such requirements shall to that extent discharge the Water Board of their liability to issue water stock to the company.

Sub-s. (1) (a) "Undertaking." See the definition of this expression in Section 37 of the Act.

(b) Besides their water undertaking, the New River Company own a large amount of landed estate, altogether unconnected with their water supply. The accounts of this estate are kept distinct from the accounts of the water undertaking, and are not subject to audit by the Government Auditor under the Metropolis Water Act, 1871, s. 47. (see Appendix A, *post*).

The sub-section exempts from the transfer to the Water Board this estate and all books, accounts, or documents relating solely thereto, and further all books, accounts, or documents which, though connected with their water supply, relate also to other parts of the undertaking or property of the Company. This last exemption follows the ordinary practice upon private sales of property under which a vendor retains title deeds and other documents relating as well to property remaining in his ownership as to the property the subject of the sale. It is conceived that books, etc., relating both to the water supply and to other parts of the undertaking or property of the New River Company will be subject in their hands to the provisions of Section 42 of the Act in relation to inspecting and taking copies of and extracts from documents.

Sub-s. (3) (c) This sub-section is necessary because the Company may continue to exist as an estate company, and will therefore still require offices.

Sub-ss. (4), (5), (6), and (7) (d) The provisions of these sub-sections are rendered necessary by the peculiar constitution of the New River Company. The New River Company is not a Company with a capital divided into shares in the ordinary sense, nor is it the owner of the New River Water Undertaking. The undertaking, including the soil and bed of the New River, owing to reasons connected with the early history of the Company, consists of two undivided moieties, one known as "the Adventurers' Moiety of the Undertaking of the New River Company," and the other as "the King's Moiety of the Undertaking of the New River Company." Each of these moieties again consists of thirty-six parts or shares. The property in the water undertaking and the soil and bed of the New River is vested in the owners of the seventy-two thirty-sixth parts or shares of the two moieties aforesaid, as tenants in common. The Company hold the property and administer it as the agents or bailiffs of the owners of the several parts or shares, accounting to them for the profits in proportion to their shares. These parts or shares are not personalty, but are entirely of the nature of real estate; they are conveyed by means of the various kinds of assurances proper for real estate, and on a sale an abstract of title is furnished, and the title is examined, deduced, and verified precisely in the same way as in the case of an ordinary sale of a landed estate. They have been in many cases subdivided to a great extent, and many have become the subject of strict settlements in the usual form of settlements of real estate, of entails, jointures, and charges for portions, with terms of years for securing the same, and of mortgages. The Company keep no register of shareholders in the ordinary sense; they are only concerned to know who is entitled to receive the income of the shares for the time being, and have no knowledge as to the ownership of the fee simple thereof.

Twenty-nine of the owners of the undivided Adventurers' shares are *ex-officio* the directors of the Company.

It should also be stated that under the New River Company's Act, 1866, there was created a further capital of £500,000 by the issue of new shares (referred to in sub-section (5) (e) of this section) of the nominal amount of £100 each. These shares are personal estate, and entitled to dividend *pari passu* with Adventurers' or King's shares in proportion to the amount paid upon such new shares.

Sub-s. (4) (e) This sub-section creates an exception in the case of the New River Company from the general rule under the Act, which only authorises the compensation to be discharged in water stock if the Water Board and Company agree thereto (see Section 2), by providing that the compensation for the transfer of the New River undertaking shall be discharged entirely in water stock.

It is conceived that by the joint operation of Section 2, sub-section (2) of the Act, and this sub-section, it will be necessary in the first place that the sum

Sect. 9.
NOTE.
SUB-S. 1.

Sect. 9. to be paid to the New River Company as compensation for the transfer of their undertaking should be ascertained in cash either by agreement or by
NOTE. arbitration under the provisions of the Act, and then that the amount of
SUB-S. 4. water stock to be issued in discharge of the sum so ascertained in cash should in its turn be ascertained by agreement or arbitration.

(*f*) An agreement under this sub-section will be subject to the provisions of Section 2 of the Act in relation to the rules to be observed by the Water Board in entering into agreements for the purposes of that section, and to the confirmation of the same by the Court of Arbitration.

Sub-s. (5) (*g*) This sub-section provides for the determination by the Court of Arbitration of the proportions in which the various classes of shareholders in the Company are to be entitled to participate in the water stock issued to the Company in consideration for their undertaking. The directors of the Company are drawn solely from among the holders of the Adventurers' shares, and neither of the other two classes of shareholders are represented on the board. Further, to submit a scheme for this apportionment to the shareholders, as will be done under the Fourth Schedule in the case of the other Companies, would be impracticable, owing to the great delay necessarily involved in verifying the title of the several owners of the shares.

(*h*) The proviso at the end of this sub-section is intended to prevent the persons who own Adventurers' shares carrying the right to a directorship, and who become entitled under Section 48 to compensation for the loss of office as directors, from claiming also that the value of their shares should be enhanced by reason of their right to be directors.

Sub-s. (6) (*i*) This sub-section was rendered necessary by reason of the legal and beneficial estate and interest in the undertaking of the Company being vested in the holders of Adventurers' and King's shares.

"Shareholder." See definition of this expression, Section 37.

"Excepted," *i.e.*, from the transfer.

Sub-s. (7) (*k*) The object of this sub-section is to prevent, so far as is necessary and expedient, any conversion of the interests of the holders of Adventurers' and King's shares from realty into personalty, which might otherwise result from the compulsory sale of the Company's undertaking to the Water Board. Upon such conversion taking place, the interest of the owner in fee simple of one of these shares would, if he died intestate, pass to his next-of-kin, instead of to his heir-at-law, or if he had not specifically devised or bequeathed it by his will, would pass under any residuary bequest contained in his will instead of under any residuary devise. Thus the intentions of testators might be frustrated. In the cases of infants or lunatics, or of an owner of full age and sound mind, who might die before he had time to make his will, the devolution of the property would be altered; and, in other instances, conversion would work hardship by altering the rights of parties.

It may, of course, also be regarded as certain that the regulations to be made under Section 17 (3) with respect to the water stock will provide that it shall be personal estate.

The effect of the section is (it is conceived) that until the appointed day every Adventurers' and King's share will remain real estate. Therefore, until the appointed day (at the earliest 24th June, 1904, see Section 37), there will be a period of grace in which to make such dispositions as may be desirable in view of the coming conversion of the property into personalty, and even after the appointed day the character of real estate will remain impressed upon the water stock issuable or issued in respect of the share and on the right to receive such water stock, unless or until (*a*) some person who is not under any incapacity or disability is in a position to deal with or dispose of the absolute beneficial interest in possession, in virtue either of absolute ownership or general power, or (*b*) the share, water stock, or right to receive water stock is sold. Subject to

these provisions the shares (it is conceived) will be converted, and the water stock and right to receive water stock will be personal estate. **Sect. 9.**

(l) "The right to receive any such water stock." These words would apply to the position of the owner of an Adventurers' or King's share after the transfer on the appointed day, but before the water stock is issued to him under sub-s. (9) of this section, or before such water stock, if issued to the Company under the provisions of Section 5 (1), has been distributed to the shareholders. Such owner has, until the stock is issued or distributed to him, a "right to receive such water stock." **NOTE.**
SUB-S. 7.

(m) (b) "Such share or part of a share . . . is transferred on a sale to a purchaser." These words (it is conceived) apply to (amongst others) cases where the share, water stock, or right to receive water stock is sold by trustees under a power, or by a tenant for life under the Settled Land Acts, or by a mortgagee under the usual express or implied power of sale. Such powers are excluded from the definition of "general power," and consequently their mere existence unexercised does not prevent the share, water stock, or right to receive water stock from remaining real estate in accordance with the other provisions of the section; but upon such powers being exercised, and upon the share, water stock, or right to receive water stock passing to a purchaser who buys subsequently to the passing of this Act, the share will be liable in his hands to be converted, and the water stock or the right to receive it will be personalty.

(n) "For all purposes of disposition, transmission, and devolution." The character of land is only retained for certain purposes, and it is apprehended that for the purposes of the Finance Act, 1894 (57 and 58 Vict. c. 30), the Adventurers' and King's shares would not be preserved by the provisions contained in this section from conversion into personalty. If this view be correct, in the event of one of these shares passing on a death, the estate duty would be payable (under Section 6 (7) of the Finance Act, 1894, and Section 18 of the Finance Act, 1896, 59 & 60 Vict. c. 28) in one sum with interest from the death, instead of being payable (under section 6 (8) of the Finance Act, 1894, and Section 18 of the Finance Act, 1896) in eight yearly or sixteen half-yearly instalments, commencing at twelve months after the death, with interest only from the date at which the first instalment becomes due.

(o) "General power." It seems probable that this expression, as defined in this sub-section, would include the power of a tenant in tail in possession, but not in remainder or reversion, to dispose of for an estate in fee simple absolute the lands entailed (see the Fines and Recoveries Act, 1833, 3 & 4 Wm. IV. c. 74, s. 15). It would not, it is thought, include any general power which is only testamentary, nor a general power, though exercisable as well by deed as by will, vested in A subsequent to a particular estate in B, as in neither of these cases can the donee dispose of the absolute interest in possession.

The actual exercise of any of the several kinds of powers expressly excepted from the definition of "general power" would, in connection with a sale, bring (b) into operation.

Sub-s. (9) (p) It is conceived that under the provisions of Section 23 (8) the Court of Arbitration can make an allowance to the Company to cover expenses incurred by the Company or their shareholders under the provisions of this sub-section.

10. No compensation shall be payable under this Act to the Staines Reservoirs Joint Committee for the transfer of their undertaking to the Water Board, and on the appointed day that committee shall be dissolved, but nothing in this section shall prejudice or affect any claim which any Metro- **Provisions as to Staines Reservoirs Joint Committee.**

Sect. 10. metropolitan water company make in respect of the interest of the company in the undertaking of the joint committee or any expenditure by the company in respect of the said undertaking.

The Staines Reservoirs are an undertaking sanctioned under the Staines Reservoirs Act, 1896 (59 & 60 Vict. c. ccxli.) and the Staines Reservoirs Act, 1898 (61 & 62 Vict. c. civ.). The undertaking is vested in a Joint Committee, and managed by them on behalf of three of the Water Companies—the New River, the West Middlesex, and the Grand Junction. The Joint Committee is a body corporate consisting of nine members, three of whom are nominated by each of the three Companies from among their own directors. The Committee has constructed reservoirs and for this purpose raised money by the issue of debenture stock, which is guaranteed by the three Companies; but there is no ordinary stock and no revenue. The expenses of the undertaking, including the payment of interest on the debenture stock, are borne by the three Companies in certain proportions. The Act of 1896, s. 84 (commonly known as “the sterilisation section”), provides that if the undertaking of any of the three Companies is purchased within seven years of the passing of the Act (otherwise than by agreement) by any public body or trustees, nothing in the Act shall extend or be deemed or construed to extend to authorise the Company to bring into account or to make any claim in respect of any advantages conferred on them by or resulting from the passing of this Act.

This section was by the Act of 1898 (Section 23) applied to advantages conferred by or resulting from the passing of that Act, and finally by the Staines Reservoirs (Amendment) Act, 1901, s. 2, the period of seven years fixed in the two earlier sections was extended to the 6th June, 1906, which is the date up to which the similar enactment in the Metropolis Water Act, 1899 (62 Vict. c. 7, s. 3) remains operative.

The present section, after providing that no compensation shall be payable to the Joint Committee, and for their dissolution on the appointed day, contains a provision the effect of which, it is conceived, will be to leave the Companies in exactly the same position as they would have been in if the present section had not been enacted, in regard to making any claims which they may be able to substantiate in respect of their interest in or expenditure upon the undertaking of the Joint Committee as affecting the amount of compensation to which they will be entitled for the transfer of their undertakings.

It is obvious that in regard to claims in respect of the interest of the Companies in the undertaking of the Joint Committee the existence and effect of the above mentioned “sterilisation” clause will have a very important bearing, and may easily raise difficult questions.

The words “or any expenditure by the Company in respect of the said undertaking” would appear to cover the case of interest on Staines Reservoirs debenture stock paid prior to the appointed day by any of the three Companies.

Provisions as to certain Boroughs and Districts.

Transfer
of water
under-
takings
of the

11.—(1) As from the appointed day the water undertaking of the councils of the urban district of Tottenham (*a*), and of the urban district of Enfield (*b*), shall be transferred to and shall vest in the Water Board freed from all debts,

liabilities, and obligations of the council incurred in respect of or attaching to the undertaking. **Sect. 11.**

(2) The Water Board shall pay to each council in consideration (*c*) for the undertaking so transferred such a sum as may be agreed on (*d*) between the Board and the council, or in default of agreement as may be determined by arbitration under this Act. **Sub-S. 1.**
Tottenham and Enfield District Councils.

(3) All securities granted before the appointed day on the credit of any fund or rate of either of the said councils, as well as all unsecured debts, liabilities, and obligations incurred by either of those councils in respect of their water undertaking shall be discharged, paid, and satisfied by that council.

(4) Each council shall apply any sum received by them under this section in discharging any capital liabilities (*e*) incurred by them in respect of their water undertaking or with the consent of the Local Government Board for any other purpose for which capital money may be applied by the council or partly in the one way and partly in the other.

(5) The Water Board shall, as from the appointed day, supply water in such parts of the urban district of Tottenham as are immediately before that date supplied by the council thereof, and that supply shall be furnished by the Board as if in exercise of their powers as successors of the New River Company (*f*), and the Acts relating to and the regulations made by that company shall apply not only to the parts so supplied, but also to the remaining parts of that district, except the portion supplied by the East London Waterworks Company.

(6) The Water Board shall, as from the appointed day, supply water in such parts of the urban district of Enfield as are immediately before that date supplied by the council thereof, and that supply shall be furnished by the Board as if in exercise of their powers as successors of the New River Company, and the Acts relating to and the regulations made by that company shall apply not only to the parts so supplied, but also to the remaining parts of that district (*g*), subject however, as regards a portion of the district of Enfield, to the provisions of this Act with respect to the Barnet District Gas and Water Company.

(7) The provisions of this Act (*h*) as to—

(a) the inspection of works ; and

(b) the inspection and taking copies of and extracts from books, accounts, and documents ; and

Sect. 11.
SUB-S. 7.

- (c) Existing officers and existing servants ; and
(d) Agreements

shall apply to the waterworks, and the books, accounts, and documents relating thereto, and the officers and servants employed solely thereon or in connection therewith, of the councils of the urban districts of Tottenham and Enfield, and to agreements between the Water Board and those councils (*i*), in like manner as they apply to the works, books, accounts, and documents, and existing officers and existing servants of the metropolitan water companies, and to agreements between the Water Board and those companies.

(8) For the purposes of this section the expression "water undertaking" (*h*) includes all lands, buildings, wells, works, materials, and plant of the councils suitable to and used by them for the purposes of supplying water within their districts, and all books, accounts, and documents relating solely thereto.

Sub-s. (1) (*a*) The urban district of Tottenham lies wholly within the areas of supply of both the New River and the East London Companies. Each of these Companies supplies a small corner of the district, but the greater part of it is supplied by the Urban District Council in the exercise of their powers under the Public Health Act, 1875.

(b) The whole of the urban district of Enfield is included within the area of supply of the New River Company, but no part of it is supplied by that Company ; but a small corner of the district lies within the area of supply of, and is supplied by, the Barnet District Gas and Water Company (see Section 35), while the greater part of the district is supplied by the Urban District Council in the exercise of their powers under the Public Health Act. The section imposes an obligation upon the Water Board to purchase the water undertakings of the two Councils and to supply their districts in the manner provided by sub-sections (5) and (6), with the exception, in the case of Enfield, of the portion of the district supplied by the Barnet District Gas and Water Company.

Sub-s. (2) (*c*) provides for the payment of consideration. It is to be noticed that "consideration," not "compensation," is the expression used, as in this case the District Councils are willing vendors, and the Water Board, in a sense, an unwilling purchaser. (See, with regard to Tottenham, Minutes of Evid., London Water Bill, 1902, questions 2267-68, and with regard to Enfield, question 2313, and see also pp. 245 and 247.) Under these circumstances an important question may arise, in the case of the water undertakings of the two Councils, as to the basis upon which their value is to be assessed.

(d) "Such a sum as may be agreed." An agreement under this subsection will require confirmation by the Court of Arbitration. See note on sub-s. (7).

Sub-s. (4) (*e*) provides for the District Councils discharging capital liabilities incurred in respect of their water undertakings (with the consent of the Local Government Board) out of, or otherwise applying as capital money, the sums received from the Water Board.

Sub-s. (5) (*f*) provides that the Water Board, in supplying the part of Tottenham formerly supplied by the District Council, and also the remain-

ing parts of the district other than those supplied by the East London Company, shall act in exercise of their powers as successors of the New River Company. The effect of this will be to prevent the Water Board claiming to supply this area as if in exercise of the powers conferred by the Public Health Act (under which a supply is now given by the Urban District Council), which Act imposes no limit on the charges for water. It will also prevent the Water Board from extending the East London Company's system to the unsupplied parts of the district and charging the higher water rates authorised by that Company's Acts.

Sub-s. (6) (*g*) The Water Board will come under similar obligations to supply water to the whole of the district of Enfield as successors of the New River Company, subject to the provisions relating to the Barnet District, etc., Company (see Section 35).

Sub-s. (7) (*h*) The provisions of this Act referred to are:—

(*a*) and (*b*) Section 41 (*b*) and Section 42.

(*c*) Section 47.

(*d*) Section 2 (*3*).

(*i*) "Agreements between the Water Board and those Councils." Having regard to the language of this sub-section, it is conceived that the provisions of the Act as to agreements here referred to are those contained in Section 2 (*3*), and not in Section 45 (*b*). The effect of this sub-section is to require agreements for the transfer of the water undertakings of the Tottenham and Enfield Urban District Councils to the Water Board to be made in pursuance of a resolution of an absolute majority of the whole number of the Water Board, after notice of a prescribed nature, and to be confirmed by the Court of Arbitration, in the same manner as is required by Section 2 (*3*) in the case of an agreement between the Water Board and a Company. The provisions of Section 45 of the Act keeping alive pending proceedings and existing contracts have not been applied to the cases of Tottenham or Enfield, possibly because the undertakings are to be transferred freed from all debts, liabilities, and obligations.

Sub-s. (8) (*k*) The definition of "water undertaking" for the purpose of this section differs somewhat from that of "undertaking" in Section 37.

12.—As from the appointed day such parts of the boroughs of Croydon and Richmond, and of the urban districts of Cheshunt and Ware (*a*), as are within the limits of supply shall cease to be within the limits of supply, and the powers, rights, and duties of the councils of those boroughs and districts with respect to the supply of water shall extend throughout their respective boroughs and districts, and all such waterworks and plant transferred to the Water Board under this Act as are situate in any such borough or urban district and which are at the passing of this Act or have been within six months immediately previous thereto in actual use for the supply of any part of the borough or district (*b*) (other than waterworks or plant used for supplying with water any other place within the limits of supply) shall be transferred to and shall vest in the council of the borough or district in which they are so situate upon such terms as may be agreed upon between the council and the Water Board (*c*), or, in default of agreement, as may be determined by arbitration under this Act, and the

Sect. 11.

NOTE.

SUB-S. 5.

Provisions
as to
certain
boroughs
and urban
districts.

Sect. 12. Council shall also pay to the Water Board in respect of the loss by the Water Board and the acquisition by the council of the right of supplying water (*d*) within the parts of the borough or urban district within which the council are not supplying water at the passing of this Act, such sum (if any) as may be agreed upon or determined in like manner.

(*a*) There is a special reason for authorising these boroughs and urban districts to cut themselves adrift from the Water Board—namely, that they only, amongst the districts of local authorities wholly or partly within the limits of supply (with the exception of Tottenham and Enfield, dealt with by Section 11), have a supply of their own, owned and managed by their Councils. In order to enable the Croydon Corporation to supply water for all purposes throughout their whole borough it is necessary to repeal Sections 11 and 12 of the Croydon Corporation Act, 1884 (47 & 48 Vict. c. cxli.), which prohibit the Corporation from supplying water for domestic or trade purposes in certain wards of the borough at a greater distance than two miles from the town-hall, and this is done by including these sections in the Fifth Schedule, which is made operative by Section 38 of the Act. (For the repealed sections, see note on the Fifth Schedule, *infra*.)

(*b*) “Which are at the passing of this Act or have been within six months immediately previous thereto in actual use for the supply of any part of the borough or district.” These words have an important bearing upon the case of Richmond, as they relieve the Corporation of the necessity of taking over the distribution pipes belonging to the Southwark and Vauxhall Company that are now lying unused in the streets of Richmond, inasmuch as they have not been used for many years. They are part of the undertaking of the Company transferred by Section 2 of the Act to the Water Board, who will have power to remove and dispose of them.

The borough and urban districts to which this section applies will be autonomous as regards water supply, but it may be that they will not have sufficient water of their own to supply their whole district. To meet this difficulty they are enabled by Section 13 to require the Water Board to give them a supply in bulk.

(*c*) The provisions of Section 2 (*3*) are not made applicable to agreements made under this section between the Councils and the Water Board, and such agreements need not therefore be made in pursuance of a resolution passed by an absolute majority of the whole number of the Water Board after notice, as prescribed in that sub-section (*3*), or be confirmed by the Court of Arbitration.

(*d*) It is to be observed that the Councils are required to pay the Water Board not only in respect of the loss by the Water Board, but also in respect of the acquisition by the Councils, of the right of supplying water. This phraseology may give rise to important questions as to the basis upon which the sum payable is to be determined.

Supply in bulk to certain districts and persons.

13.—(1) The Water Board shall if required by the council of the borough of Croydon or Richmond, or of the urban district of Cheshunt or Ware, or by the council of any rural district situate wholly or partly within the limits of supply, supply water in bulk (*a*) to that council for use within any part of the district of the council which at the passing of this Act was within the limits of supply,

in such quantities, and at such price and generally upon such terms and conditions as may be agreed upon between the council and the Water Board, or, in default of agreement, as may be determined by arbitration, and the agreement or award may provide for the revision from time to time of the quantity of water to be supplied, and the price, terms, and conditions of the supply and for the discontinuance of the supply (*b*) in such manner as may be specified in the agreement or award :

Sect. 13.
SUB-S. 1.

Provided that if the Water Board are required to supply water in bulk to the council of a rural district the district shall cease to be within the limits of supply, and if the district is one in which, at the date of the requisition, there are situate any waterworks and plant belonging to the Water Board, which are at the date of such requisition or have been within six months immediately preceding thereto in actual use for the supply of any part of such district the waterworks and plant so situate and used (except the waterworks or plant necessary for supplying with water any other place within the limits of supply) shall be transferred to and shall vest in the council upon such terms as may be agreed upon between the council and the Water Board, or, in default of agreement, as may be determined by arbitration, and the council shall also pay to the Water Board in respect of the loss by the Water Board, and the acquisition by the council (*c*), of the right of supplying water within the parts of the district within which the council are not supplying water at the date of such requisition such sum (if any) as may be agreed upon or determined in like manner.

(2) (*d*) Where the price to be paid for a supply of water in bulk or the quantity of water to be so supplied or the terms and conditions of the supply can be determined in the course of an arbitration held for the purpose of determining the price to be paid for waterworks and plant transferred by this Act to the council of a borough or urban district, or the sum to be paid in respect of the right of supplying water, the price, quantity, terms, or conditions shall if necessary (*e*) be determined at that arbitration ; but save as aforesaid an arbitration under this section shall be in accordance with the provisions of the Public Health Act, 1875, with respect to arbitrations authorised by that Act, and the provisions as to arbitrations under this Act shall not apply.

Sect. 13.
SUB-S. 3.

(3) Where any metropolitan water company before the passing of this Act have from time to time supplied water in bulk to any person in any district in which the company are not authorised to supply water (*f*), the Water Board may continue to furnish such a supply upon such terms and subject to such conditions as may be agreed upon between the Water Board and the person supplied.

Sub-s. (1) (*a*) This sub-section requires the Water Board to supply water in bulk, if demanded, (1) to the boroughs and urban districts which are taken out of the limits of supply by Section 12, viz., Croydon, Richmond, Cheshunt, and Ware, and (2) to rural—but not urban—districts wholly or partly within the limits of supply who desire to become autonomous water authorities. It is to be observed that in every case the obligation to supply in bulk only extends to a supply for use within that part of the district of any Council which was at the passing of the Act within the limits of supply. The quantity of water (except in Hertfordshire, as to which see Section 14) to be supplied in bulk by the Water Board, and the price, terms, and conditions of supply are to be such as may be agreed upon, or, failing agreement, as may be determined by arbitration.

(*b*) It may be found in the future that a borough or district no longer requires a supply, or requires a larger or smaller supply, from the Water Board. This sub-section enables provisions to be made for such a contingency in the agreement or award determining the quantity and price of the supply from the Water Board. (As to the quantity of water to be supplied in the case of a district in Hertfordshire, see Section 14.) In the event of a rural district requiring a supply of water in bulk from the Water Board it will cease to be within the limits of supply, Croydon, Richmond, Cheshunt, and Ware having been already excluded therefrom, whether they demand a supply of water in bulk or not, by Section 12. Provision is, however, made by Section 26 (2) for the reinclusion of a rural district in the limits of supply in the event of its being made subsequently an urban district.

If any waterworks or plant belonging to the Water Board are situated in a rural district so ceasing to be within the limits of supply, and such waterworks or plant are, at the date of the requisition, being used or have been used within the preceding six months for the supply of any part of the district, they shall be transferred to the District Council upon terms to be agreed upon, or, failing agreement, settled by arbitration. The provisions of Section 2 (3) are not made applicable to agreements under this sub-section, and such agreements need not therefore be made in pursuance of a resolution passed by a majority of the whole number of the Water Board, convened upon the special notice mentioned in that section, nor be confirmed by the Court of Arbitration.

(*c*) "The Council shall also pay to the Water Board in respect of the loss," etc. See note (*d*) on Section 12 in respect of a similar provision.

Sub-s. (2) (*d*) A requisition for a supply in bulk under this clause may be made at any time, and consequently after the Court of Arbitration, constituted by Section 23, has ceased to exist, as to which see note (*v*) on Section 23 (11). It is therefore necessary to apply the ordinary law as to arbitration, and the arbitration (subject to the exception presently mentioned) will be in accordance with the procedure prescribed by the Public Health Act, 1875 (see Appendix A, *post*). An exception is made for a case where the quantity and terms of supply can be determined at an arbitration relating to waterworks and plant transferred to a Borough or Urban District Council under Section 12, which can only occur if a supply in bulk

is demanded before the price for the transfer has been determined by arbitration, in which case all the matters in dispute will be determined at the same time by the Court of Arbitration. This exception can only apply to Richmond, Croydon, Cheshunt, and Ware, and as to quantity only to Richmond and Croydon (see Section 14).

Sect. 13.

NOTE.

SUB-S. 2.

(e) "If necessary." The meaning of these words is not clear, but it is conceived that they would apply to a case where there had been a failure to agree upon the quantity or terms of a supply in bulk, after demand made under the section prior to the determination by the Court of Arbitration of the price to be paid for the transfer of waterworks and plant.

As to the quantity of water to be supplied during the interval between the transfer of the works of distribution and the ascertainment, by agreement or arbitration, of the quantity to be supplied, see Section 50; but this section would appear not to apply to Hertfordshire, having regard to Section 14.

Sub-s. (3) (f) This sub-section is designed to meet such cases as those of Finchley. In that case the New River Company has been in the habit of supplying, without statutory authority, water in bulk to the Barnet Company by which Finchley is served, and the supply of Finchley is to a great extent dependent on keeping up the supply which the Barnet Company has thus been in the habit of receiving from the New River Company. The language of the sub-section is also wide enough to cover such cases as the supply of water in bulk to building estates outside the limits of the various Companies' Acts—*e.g.*, the supply of the Westerham Hill Park Estate by the Kent Company.

14.—(1) The quantity of water to be supplied in bulk under the provisions of this Act by the Water Board to the council of an urban or rural district in Hertfordshire (a) shall not be determined by agreement or arbitration, but shall be such quantity as the council may require, so, however, that the quantity required in any quarter shall not exceed such quantity as will suffice to afford the like quantity of water per head of the population within the area supplied by the council as was during the corresponding quarter in the preceding year supplied per head of the population within the limits of supply, and that the quantity required in any one day shall not exceed one sixtieth of the total quantity which can be required during the quarter comprising that day and any questions arising under this sub-section shall be determined by the Local Government Board.

Special provisions as to Hertfordshire.

(2) In the event of the council of the urban district of Hoddesdon (b) becoming entitled to construct waterworks within their district, the provisions of this Act relating to the supply of water in bulk to the councils of rural districts shall apply as if that urban district were a rural district in Hertfordshire.

This section was inserted to meet objections by Hertfordshire, who urged that as the Water Board would abstract all the water available in the narrow strip of the county included in the limits, it was essential that the Hertfordshire districts which ceased to be included within the limits

Sect. 14. of supply under Sections 12 and 13 should be guaranteed a sufficient supply in bulk.

NOTE.

Sub-s. (1) (a) Under this sub-section an urban district (*i.e.*, Cheshunt or Ware) or a rural district which has ceased to be within the limits of supply may demand any quantity of water in bulk up to the specified limit, provided that the quantity demanded in any one day shall not exceed one-sixtieth of the total which may be demanded during the then current quarter. This latter limitation will prevent the Water Board being put to inconvenience by a demand for an abnormal quantity on one day.

Sub-s. (2) (b) The urban district of Hoddesdon is comprised within the limits of supply of the New River Company, but that Company only furnishes a supply to one or two houses in the district. The real supply of the district is furnished by a local Company called the Hoddesdon Waterworks Company. So long as that Company (or *query* the Water Board as the successors of the New River Company) are able and willing to furnish an adequate supply, the District Council is prohibited from establishing their own waterworks. This prohibition is imposed by Section 52 of the Public Health Act, 1875 (see Appendix A, *post*).

If the District Council does in the future become entitled to construct its own waterworks, it will be in the same position with regard to demanding a supply of water in bulk, with the consequence of ceasing to be within the limits of supply, as any Rural District Council in Hertfordshire to which Sections 13 and 14 apply.

The provisions of this section with regard to the quantity of water in bulk to be supplied by the Water Board to districts in Hertfordshire are inconsistent with the provisions of Section 13 (1), inasmuch as that section leaves the quantity an open amount to be determined, failing agreement, by arbitration. It is conceived that the provisions of this section will over-ride those of Section 13 (1) as to quantity, leaving however the questions of the price, terms, and conditions of the supply in bulk (but *query* as to discontinuance) to be settled under the earlier section.

Financial Provisions.

Expenses
of Board.

15.—(1) There shall be established a water fund (a) and all receipts of the Water Board shall be carried to that fund, and all payments by the Board shall be made out of that fund.

(2) Any sum required to meet any deficiency in the water fund (b), whether for satisfying past or future liabilities, in any financial year, shall be apportioned amongst the City of London and the metropolitan boroughs in the County of London and the municipal boroughs and urban districts outside London, the councils of which are for the time being entitled to be represented on the Water Board, in proportion to the rateable value appearing in the valuation lists in force on the preceding sixth day of April of the hereditaments at that date supplied with water by the Water Board or any metropolitan water company or the council of the urban district of Tottenham or Enfield in the City and each such borough and district.

(3) The Water Board shall issue precepts for the sums apportioned to the City and the several boroughs and districts liable— Sect. 15.
SUB-S. 3.

(a) in the case of the City of London, to the common council ;

(b) in the case of a metropolitan borough, to the council of that borough ;

(c) in the case of a municipal borough or urban district, to the council thereof ;

and the council shall pay to the Water Board the amount specified in the precept.

(4) The amount required by any such precept shall be paid (c)—

(a) in the case of the city, out of the consolidated rate ;

(b) in the case of a metropolitan borough, as part of the expenses incurred by the council thereof ;

(c) in the case of a municipal borough or urban district, out of the fund or rate out of which the expenses of the council thereof incurred in the execution of the Public Health Acts are payable.

(5) A demand note for any rate levied for defraying any expenses of the Water Board, together with other expenses, shall state as a separate item the amount to be paid for defraying the expenses of that Board.

(6) The Water Board shall not, until Parliament otherwise determine, reduce the rates charged for the supply of water below those in force during the quarter ending the twenty-fourth day of June one thousand nine hundred and two, unless the Board are satisfied that such a reduction would not cause a deficiency in the water fund ; but the Water Board shall, within three years after the appointed day, introduce into Parliament a Bill providing for uniform scales of charges (d) applicable throughout the limits of supply.

(7) Within three years after the appointed day the Water Board may prepare and publish in the London Gazette a scheme enabling their charges for the supply of water to be collected together with any local rate.

Any local or rating authority within the limits of supply may transmit to the Local Government Board their objections to any such scheme within forty days after the scheme is published in the London Gazette.

Sub-s. (1) (a) creates a general fund into and out of which all receipts and expenses are to be paid.

Sub-ss. (2) and (3) (b) These sub-sections enable the Water Board to

Sect. 15. supply out of the rates any deficiency in their income from other sources.

NOTE. The areas liable to be rated are—

SUB-S. 2.

- (1) the City;
- (2) the Metropolitan boroughs in the County of London;
- (3) Municipal boroughs and urban districts outside the County of London entitled to be represented on the Water Board.

A few urban and all rural districts outside London wholly or partly within the limits of supply are omitted from the list of constituent authorities enumerated in Section 1 (3), and it therefore follows from sub-section (2) of this section that these districts will not be required to contribute out of the rates towards any deficiency in the Water Fund, though the water consumers within those parishes will pay water rents as in other places within the limits of supply. It is believed, however, that in these districts but few hereditaments are supplied with water; and these districts will have no direct representation on the Water Board.

The basis taken as that on which the sum required to be raised by rates is distributed amongst the various rating areas is the rateable value of the hereditaments actually supplied with water, including those supplied by meter. Therefore the share apportioned to an area in which few hereditaments are so supplied will be comparatively small. But when once the sum so apportioned to an area has been so ascertained, the amount is to be raised by a rate levied over the whole area. Consequently, hereditaments which do not receive any water from the Water Board may be rated to contribute towards the expenses of the Water Board.

Sub-s. (4) (c) The rates to be raised are to be paid—

- (1) in the case of the City, out of the consolidated rate;
- (2) in the case of Metropolitan boroughs, out of the general rate (see London Government Act, 1899, Section 10 (1), Appendix A, *post*);
- (3) in the case of municipal boroughs and urban districts, out of the general district rate or other rate out of which the expenses of the Council under the Public Health Acts are to be defrayed (see Public Health Act, 1875, s. 207, Appendix A, *post*).

The consolidated rate in the City is not a parochial rate, but an equal rate in the pound over the whole City.

It is to be observed that for the purposes of the general district rate occupiers of land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water or used only as a canal or towing-path for the same, or as a railway, are entitled to a three-fourths exemption under the Public Health Act, 1875, s. 211 (1) (b) (see Appendix A, *post*); but that Act does not apply to London, and there is no Act in force within the County of London conferring similar exemptions on similar classes of property.

Sub-s. (6) (d) See Section 46.

Powers of
borrow-
ing.

16.—(1) The Water Board may borrow money for the purpose of—

- (a) paying any money (other than money payable by way of interest on purchase money) payable under this Act by the Water Board to a metropolitan water company (a); and
- (b) paying any money payable under this Act by the Water Board to the council of the urban district of Tottenham or Enfield (b); and

(*c*) purchasing, redeeming, or paying off any debenture stock or mortgage debt (*c*) ; and Sect. 16.
SUB-S. 1.

(*d*) executing any work authorised by the Acts relating to any of the metropolitan water companies, so that the amount does not exceed the amounts which were immediately before the appointed day under those Acts authorised to be raised for that purpose, but have not been raised before that date (*d*) ; and

(*e*) paying any compensation payable under this Act (otherwise than by way of annuity) (*e*) ;

and, with the consent of the Local Government Board, for the purpose of any payment by the Water Board or of any permanent work or other thing which the Water Board are authorised to execute or do, and which or the cost of which ought, in the opinion of the Local Government Board, to be spread over a term of years (*f*).

(2) All money borrowed under this section shall be raised by means of the issue of water stock under this Act, unless the Local Government Board consent to some other mode of raising the money, and, where the Local Government Board so consent, any money raised and the interest thereon shall be charged on the water fund or on such property or revenues of the Water Board, and in such manner as the Local Government Board may sanction (*g*).

(3) Any money borrowed under this Act, if borrowed for the purpose of making any payment to a metropolitan water company, or to the council of the urban district of Tottenham or Enfield, or of redeeming, purchasing, or paying off any debenture stock or mortgage debt, shall be repaid within the period of one hundred years from the thirty-first day of March one thousand nine hundred and three, and, if borrowed for any other purpose, shall be repaid within such period not exceeding sixty years from the date of the borrowing as the Water Board, with the consent of the Local Government Board, may determine (*h*).

(4) For the purpose of paying off a loan raised under this Act, the Water Board shall have the like powers of reborrowing as a county council have under section sixty-nine of the Local Government Act, 1888, and the provisions of that section so far as they relate to reborrowing shall apply as if they were herein re-enacted and in terms made applicable to the Water Board and to the security on which that Board are by or under this Act authorised to borrow (*i*).

Sect. 16.
SUB-S. 5.

(5) So much of any Local Act as relates to the method of borrowing money by a metropolitan water company shall as from the appointed day be repealed (*k*).

Sub-s. (1) (*a*) Of the purposes for which the Water Board are authorised to borrow, (*a*) has reference to the sums of money payable to the Companies as compensation (see Section 2), as costs of arbitration (see Section 23 (9), and on account of the consideration ultimately found to be due (see Section 41 (1) (*c*)). As to money payable by way of interest on purchase money see Section 43, and Section 44 as to temporary advances to enable the Water Board to meet their obligations.

(*b*) Purpose (*b*) covers the payments to the Tottenham and Enfield Urban District Councils under Section 11.

(*c*) Purpose (*c*) is in respect of the buying out of the secured creditors of the Companies under Sections 7 and 8 of the Act.

(*d*) Purpose (*d*) relates to the execution of works already authorised, and for the execution of which the several Companies are authorised to raise money by the issue of debenture stock, but have not actually raised the money. The only effect is to substitute the machinery for raising money under the Act for the machinery under the local Acts of the Companies.

(*e*) Purpose (*e*) is to enable the Board to spread over a number of years lump sums payable by way of compensation to existing officers (see Section 47), to directors (see Section 48), and to the existing auditor of the accounts of the Companies (see Section 49).

(*f*) The last part of sub-section (1) confers on the Water Board the same powers of borrowing with the consent of the Local Government Board as those enjoyed by County Councils under Section 69 of the Local Government Act, 1888 (51 & 52 Vict. c. 41), Appendix A, *post*, but the words "for the purpose of any payment by the Water Board" are added to make the provisions wide enough to cover, it is conceived, any expenses of the Board incurred before the appointed day (cf. Section 44 (1)), and also the costs of the present Act payable by the Water Board (see Section 53).

Sub-s. (2) (*g*) The object of this sub-section is to enable the Water Board to borrow otherwise than by the issue of water stock. Local authorities find small issues of stock inconvenient, troublesome, and expensive. Under this sub-section the Local Government Board might authorise the Water Board to borrow on mortgage for a short term, and then when the Water Board next had an issue of water stock, enough could be raised to pay off the short loan.

Sub-s. (3) (*h*) This enactment defines the time within which money borrowed must be repaid (see note on Section 18 (1)).

Sub-s. (4) (*i*) The powers referred to are those contained in sub-sections (3) and (4) of Section 69 of the Local Government Act of 1888, Appendix A, *post*.

Sub-s. (5) (*k*) This provision repeals the present machinery applicable to borrowing by the companies for which the present provisions are substituted; it does not affect the right to borrow.

Issue of
water
stock.

17.—(1) For the purpose of enabling the Water Board to raise money which they are authorised to borrow under this Act, and to issue any water stock which, under the provisions of this Act, is to be issued to any metropolitan water company or the holder of any debenture stock or mortgage debt, the Water Board may create a sufficient amount of stock, to be called Metropolitan Water Stock, and in this Act referred to as water stock, bearing interest

at such a rate not exceeding three pounds per centum per annum, as the Water Board, with the consent of the Local Government Board, and after consultation with the Governor of the Bank of England, may resolve.

Sect. 17.
SUB-S. 1.

(2) Water stock and the interest thereon shall be charged on the water fund and on all the revenues (a) of the Water Board.

(3) Subject to the provisions of this Act (b), the provisions of section fifty-two of the Public Health Acts Amendment Act, 1890 (c), which relates to the issue of stock by local authorities, shall apply to water stock as if it were stock created under, and the Water Board were an authority mentioned in that section, and the regulations in respect of water stock issued to the holders of irredeemable debenture stock (d) shall be uniform with the regulations in respect of other water stock except as to the period of redemption and the provisions relating thereto.

(4) Water stock shall be included amongst the securities in which a trustee may invest under the powers of the Trustee Act, 1893.

Sub-s. (2) (a) This sub-section does not contain any words expressly charging the money borrowed by the issue of water stock on the rates leviable under Section 15. The receipts, however, from the rates will be payable into the water fund, and the Water Board is obliged to supply a deficiency in the water fund by the issue of precepts to the rating authority, which the latter must obey. Under the regulations there will, no doubt, be power to appoint a receiver of the revenues of the Board, if the interest is in arrear for any considerable period.

Sub-s. (3) (b) "Subject to the provisions of this Act." These words are inserted to show that the regulations could not prescribe conditions inconsistent with such provisions as those contained in sub-sections (1) and (2), and in Section 7.

(c) Section 52 of the Public Health Acts (Amendment), 1890 (53 and 54 Vict. c. 59), which is applied, is as follows:—

"52.—(1) Where any authority, whether a municipal corporation, local board, or improvement commissioners, which is an urban authority, have for the time being, either in their capacity as urban authority or in any other capacity, any power to borrow money, they may, with the consent of the Local Government Board, exercise such power by the creation of stock to be created, issued, transferred, dealt with, and redeemed in such manner and in accordance with such regulations as the Local Government Board may from time to time prescribe.

"(2) Without prejudice to the generality of the above power, such regulations may provide for the discharge of any loan raised by such stock, and in the case of consolidation of debt for extending or varying the times within which loans may be discharged, and may provide for the consent of limited owners and for the application of the Acts relating to stamp duties and to cheques, and for the disposal of unclaimed dividends, and may apply for the purposes of this section, with or without modifications, any enactments of the Local Loans Act, 1875, and the Acts amending the same, and of any Act relating to stock issued by the Metropolitan

Sect. 17. Board of Works, or the County Council of London, or by the corporation of any municipal borough.

NOTE.

SUB-S. 3. “(3) Such regulations shall be laid before each House of Parliament for not less than thirty days during which such House sits, and if either House during such thirty days resolves that such regulations ought not to be proceeded with, the same shall be of no effect, without prejudice nevertheless to the making of further regulations.

“(4) If no such resolution is passed, it shall be lawful for Her Majesty by Order in Council to confirm such regulations, and the same when so confirmed shall be deemed to have been duly made and to be within the powers of this Act, and shall be of the same force as if they were enacted in this Act.”

The result is that the stock will be created, issued, etc., in accordance with the regulations made by the Local Government Board. The regulations have to be laid before each House of Parliament thirty days during which the House sits, and have to be confirmed by Order in Council. Some doubt exists as to the interpretation to be placed on the words “thirty days during which such House sits,” but it is believed that they have in practice been construed to mean thirty days during the session of Parliament.

The regulations could make the water stock redeemable at par after the expiration of a specified period, but the stock issued under Section 7 of this Act cannot be made redeemable before the expiration of sixty years.

The Local Government Board's regulations will no doubt contain the necessary provisions as to transfer, and if the Bank of England agree, there does not seem to be anything to prevent the stock becoming a stock transferable in the books of the Bank, in which case all the statutory provisions as to stock so transferable will apply. (See National Debt Act, 1870, s. 73; National Debt Act, 1889, s. 4.)

(d) “Irredeemable debenture stock.” For provisions relating to this stock, see Section 7.

The Water Board will be able, if they think fit, to compound for transfer duty under Section 115 of the Stamp Act, 1891.

Provisions
as to
discharge
of loans,
etc.

18.—(1) The Water Board shall, in accordance with regulations made by the Local Government Board, by the creation of one or more sinking or redemption funds or otherwise, make provision (a) for—

- (a) the discharge within a period of one hundred years from the thirty-first day of March one thousand nine hundred and three of the amount of any water stock issued by the Board in consideration for the undertaking of any metropolitan water company or in substitution or in consideration for any debenture stock or mortgage debts; and
- (b) the discharge within that period of all debenture stock and mortgage debts which under this Act are to be discharged within that period; and
- (c) the discharge within the periods within which they are under this Act to be discharged of any sums borrowed by the Water Board under this Act:

Provided that during the first twenty years of the said period of one hundred years the Water Board shall not be required to make any payments towards the discharge of water stock, debenture stock, mortgage debts, or loans, for the discharge of which the said period of one hundred years is fixed by this Act, other than the payment in respect of each year towards the discharge of such water stock of the amount (if any) by which the receipts on revenue account exceed the expenditure on that account of the Water Board in that year, after deducting such sum as may be reasonably necessary for meeting current expenses. The sums so to be paid shall be paid as soon as may be after the amount thereof is ascertained, and the certificate of the auditor of the accounts of the Water Board, subject to such variations as the Local Government Board may allow, shall be conclusive as to the amount to be paid.

Sect. 18.
SUB-S. 1.

(2) The Local Government Board may make regulations (b) under this section, and the regulations so made—

(a) if they relate to the discharge of water stock, shall be made under section fifty-two of the Public Health Acts Amendment Act, 1890, as applied by this Act; and

(b) if they relate to the discharge of any debenture stock, mortgage debts, or loans, may apply, with or without modifications, any enactments of the Local Loans Act, 1875, and the Acts amending that Act, and may contain such other provisions as appear to the Local Government Board necessary or proper for the purpose of the regulations, and shall have effect as if they were enacted in this Act.

(3) For the purpose of this section, the expression “discharge” means—

(a) with respect to water stock and debenture stock (c), the redemption or purchase thereof; and

(b) with respect to mortgage debts (c) and loans, the payment off or repayment thereof.

Sub-s. (1) (a) This sub-section prescribes the provision to be made for wiping out debts incurred by, or transferred to, the Water Board.

The general principle of the sub-section is that the debts incurred by, or transferred to, the Water Board in respect of the transfer of the undertakings transferred to the Board by the Act should not be required to be wiped out for a period of 100 years from the 31st day of March, 1903; other debts must be wiped out within the period authorised, which can in no case exceed 60 years from the date of the borrowing (see Section 16 (3)).

Sect. 18. The debts incurred by, or transferred to, the Water Board in respect of the transfer of the undertakings transferred by the Act comprise the following—
NOTE.
SUB-S. 1.

- (1) Water stock issued to the Companies as compensation in whole or part for their undertakings (see Sections 2 (2) and 9 (4)).
- (2) Water stock issued to the holders of irredeemable debenture stock in substitution for that stock (see Section 7).
- (3) Redeemable debenture stock and mortgage debts transferred to the Water Board (see Section 2 (1)).
- (4) Water stock issued or money paid to the holders of redeemable debenture stock and mortgage debts in consideration therefor (see Section 8).
- (5) Money payments by the Water Board to any Company, either as compensation for their undertakings (see Section 2 (1)), or on account of the purchase money payable to the Company (see Section 41 (1) (c)), or to defray the costs of the Company (see Section 23 (9)), and any other money that may be found due by the Board to the Company; money payments to the Tottenham and Enfield District Councils on account of the water undertakings of those Councils (see Section 11 (2)).

For Section 52 of the Public Health Acts Amendment Act, 1890, see Note (c), p. 35, *supra*.

Sub-s. (2) (b) The method of discharge of debenture stock, mortgage debts, or loans is left to be determined by regulations made by the Local Government Board, who could thereby authorise any of the methods authorised by the Local Loans Act, 1875 (38 and 39 Vict. c. 83), Sections 13–16, Appendix A, *post*, and Acts amending the same.

With regard, however, to the debts incurred by, or transferred to, the Water Board in respect of the acquisition of the undertakings transferred by the Act, the obligation to make an annual provision for wiping out these debts is postponed for a period of twenty years (see proviso to sub-section (1)).

It is enacted that during this period of the first twenty years the amount to be contributed by the Water Board towards the discharge of their indebtedness incurred in connection with the purchase of the transferred undertakings should be limited to the amount of the excess of their receipts on revenue account over expenditure. This sum will presumably be dealt with under the regulations framed by the Local Government Board in like manner as if it had been paid as the annual contribution prescribed by the regulations to be paid towards redemption. Consequently, if a redemption fund is established, it will be paid into the redemption fund every year, and accumulated. The amount to be contributed towards redemption in the last eighty years of the period will partly depend on the amount so accumulated during the first twenty years. Provision is made for enabling the Water Board to retain a working balance out of any surplus which would otherwise have to be paid in to the redemption fund, by the insertion of the words “after deducting such sum as may be reasonably necessary for meeting current expenses.”

The words “subject to such variations as the Local Government Board may allow” are inserted because of the effect of the exercise by that Board of their power of remitting surcharges made by the auditor (Public Health Act, 1875, s. 247 (8); Poor Law Audit Act, 1848, s. 4).

Sub-s. (3) (c) For definitions of “debenture stock” and “mortgage debts,” see Section 37.

Accounts
and audit.

19.—The accounts of the Water Board, and any committee appointed by them, and of their officers, shall be made up and audited in like manner, and subject to the

same provisions, as the accounts of county councils (a), **Sect. 19.** except that a water consumer (b) shall have the same right of being present at the audit, and of making objections and appealing, as a ratepayer (c) has, and that the stamp duty charged on the Water Board for the purposes of the District Auditors Act, 1879, shall be such as the Treasury, after consultation with the Local Government Board, and having regard to the cost of the audit, may determine, and the enactments relating to the accounts of county councils and the audit thereof, and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply accordingly.

(a) The accounts of the Water Board are by this section subjected to audit by district auditors appointed by the Local Government Board. Section 71 of the Local Government Act, 1888, Appendix A, *post*, applied to County Councils the provisions of the Public Health Act, 1875, relating to the audit of accounts of sanitary authorities, viz., Sections 247 and 250, Appendix A, *post*.

(b) For definition of "water consumer," see Section 37 and note thereon.

(c) By Section 247 of the Public Health Act, 1875, "any ratepayer or owner of property in the district may be present at the audit, and may make any objection to such accounts before the auditor, and such ratepayers and owners shall have the same right of appeal against allowances by an auditor as they have against disallowances." The same rights are by this section conferred on a water consumer.

The audits of the Metropolitan Water Companies have since 1871 been subject to special provisions as to audit, under which the audit is conducted by an auditor appointed by the Local Government Board.

The provisions in question, which are all (except as provided in Section 40 (2)) repealed by the present Act, are contained in Sections 37 to 42 of the Metropolitan Water Act, 1871, Appendix A, *post*.

Section 40 (2) of the Act keeps these provisions alive for the limited purpose of regulating the audit of the accounts of the Companies after the passing of this Act until their dissolution (see Section 40 (2) of this Act).

20.—(1) At the beginning of every financial year the Water Board shall cause to be submitted to them an estimate of the receipts and expenditure of such Board during that financial year whether on account of property, contributions, rates, loans, or otherwise. Provisions as to payments by the Water Board.

(2) All payments to and out of the water fund shall be made to and by the treasurer of the Water Board, and all payments out of the fund shall be made in pursuance of an order of the Water Board signed by three members of the finance committee present at the meeting of the Board and countersigned by the clerk of the Board, and the same order may include several payments.

Moreover all cheques for the payment of money issued in pursuance of such order shall be countersigned by the

Sect. 20. clerk of the Board, or by a deputy approved by the
SUB-S. 2. Board.

(3) The Water Board shall from time to time appoint a finance committee for regulating and controlling their finance, and an order for the payment of a sum out of the water fund whether on account of capital or income shall not be made by the Water Board except in pursuance of a resolution of the Board passed on the recommendation of the finance committee, and any costs debt or liability exceeding fifty pounds shall not be incurred except upon a resolution of the Board passed on an estimate submitted by the finance committee.

(4) The notice of the meeting at which any resolution for the payment of a sum out of the water fund (otherwise than for ordinary periodical payments), or any resolution for incurring any costs debt or liability exceeding fifty pounds, will be proposed, shall state the amount of the said sum, costs, debt, or liability and the purposes for which they are to be paid or incurred.

This section imposes upon the management of the finance of the Water Board the same restrictions as are imposed on County Councils by Sections 74 (1) and 80 of the Local Government Act, 1888, Appendix A, *post*, and on Metropolitan Borough Councils by Sections 8 (3) and 9 of the London Government Act, 1899, Appendix A, *post*.

Power of
certain
local
author-
ities to
borrow.

21.—(1) The payment of any money payable by a local authority to the Water Board in respect of any waterworks and plant transferred to the authority by or under this Act or in respect of the right to supply water within any part of the area of the authority shall for purposes of borrowing be deemed to be expenses incurred by the authority in the execution of the Public Health Acts (*a*).

(2) The amount of money to be borrowed shall not be restricted by the limitation on borrowing contained in sub-sections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875 (*b*), and in calculating the amount which the local authority may borrow under the last-mentioned Act any money borrowed by the authority for the purposes of this Act shall not be reckoned.

Sub-s. (1) (*a*) This section enables local authorities to borrow money (presumably with the consent of the Local Government Board) for the payment of the sums payable by them for the waterworks and plant transferred to and the acquisition of the right to supply water by them under Sections 12 and 13 (see Public Health Act, 1875, s. 233, Appendix A, *post*).

Sub-s. (2) (*b*) Section 234 (2) of the Public Health Act, 1875, is to the following effect: "The sum borrowed shall not at any time exceed with

the balances of all the outstanding loans contracted by the local authority under the Sanitary Acts and this Act in the whole the assessable value for two years of the premises assessable within the district in respect of which such money may be borrowed." **Sect. 21.**
NOTE.
SUB-S. 2.

22. Any money received by the Water Board from the Chamberlain of the City of London (*a*) under this Act, or in respect of any waterworks and plant transferred from the Board by or under this Act (*b*), or as the proceeds of the sale of any land under this Act (*c*), and any other capital receipts (*d*) of the Board, not applicable to any other purpose (*e*), shall be applied in such manner as the Local Government Board sanction towards any purpose for which money may be borrowed under this Act, or towards the discharge of any loan, or otherwise for any purpose for which capital money may be applied by the Water Board. Applica-
tion of
capital
receipts.

(*a*) As to money received from the Chamberlain of the City of London, see Section 6 and the notes thereon.

(*b*) The waterworks and plant are those transferred from the Water Board to local authorities under Sections 12 and 13 of this Act.

(*c*) "Proceeds of the sale of any land under this Act" refers to the provisions of Section 24 (1) (*a*) of this Act, which empowers the Water Board to alienate land or buildings vested in them.

(*d*) "Other capital receipts." For instance, sums received in respect of the loss of the right of supplying water in districts which cease to be within the limits of supply under Sections 12 and 13.

(*e*) "Not applicable to any other purpose" will exclude from the operation of this clause the proceeds of a loan raised for a particular object.

Arbitration.

23.—(1) For the purpose of arbitrations under this Act a Court of Arbitration shall be constituted consisting of three commissioners, and the Right Honourable Sir Edward Fry, Sir Hugh Owen, G.C.B., and Sir John Wolfe Barry, K.C.B., shall be the commissioners. Provisions
as to arbi-
tration.

(2) If any vacancy in the Court of Arbitration occurs by reason of death, resignation, or incapacity, or otherwise, the Lord Chief Justice of England shall appoint a person to fill the vacancy, and so from time to time as occasion requires.

(3) The Court of Arbitration may appoint or employ such number of officers and persons (*a*) as they may think necessary for the purpose of assisting in the execution of their duties under this Act, and may remove any officer or person so appointed or employed, and for the purpose of obtaining any information which the Court may require may direct any commissioner or any such officer or person to hold an inquiry. But nothing in this Act shall authorise

Sect. 23. the commissioners to delegate any of their judicial duties as arbitrators.
SUB-S. 3.

(4) There shall be paid to the commissioners and to any officer or person appointed or employed under this section, such salaries or other remuneration as the Local Government Board may assign, and that remuneration, and all expenses of the Court of Arbitration incurred with the sanction of the Local Government Board in the execution of this Act, shall be paid by the Water Board.

(5) Subject to the provisions of this section (*b*), the authority of the Court of Arbitration shall extend to the settlement and the determination by them, on such terms and in such manner as is most just and fit, of the matters referred to them, and also of all such matters and questions (including any adjustment of accounts (*c*) between the parties to the arbitration) as are, in their judgment, incidental thereto or consequential thereon, to the end that their award or awards may effect a final and equitable settlement.

(6) Every award order and other instrument made by or proceeding from the Court of Arbitration under this Act shall be binding and conclusive to and for all intents and purposes and shall have the like effect as if it had been made by a Judge of the High Court (*d*) and shall be acted on, obeyed, executed, and enforced accordingly (*e*).

The Court may make one or more awards (*f*) dealing with the matters referred to them.

The Court of Arbitration may state their award, or any part thereof, in the form of a special case (*g*) for determination by the Court of Appeal, and may at any stage of the proceedings at an arbitration, and shall, if so directed by the Court of Appeal, state in the form of a special case for determination by the Court of Appeal any question of law (*h*) arising in the course of the arbitration, and an appeal shall, with the leave of the Court of Appeal but not otherwise, lie from the Court of Appeal to the House of Lords, but subject to any order made by the House of Lords in accordance with the Appellate Jurisdiction Act, 1876, every such appeal shall be brought within two months after the decision appealed against is pronounced by the Court of Appeal if the House of Lords is then sitting, or, if not, within fourteen days after the House of Lords next sits. The Court of Arbitration shall act in accordance with the decision arrived at in any such case.

(7) The Court of Arbitration may act by two of their

number (*i*), and notwithstanding any vacancy in their number. Subject as aforesaid, the Court may regulate their own procedure, and the procedure at an inquiry held under this section (*j*). Sect. 23.
SUB-S. 7.

(8) In fixing the sum to be paid by the Water Board as hereinbefore provided, the Court of Arbitration shall determine the value of the undertaking of each metropolitan water company as if with the necessary modifications the law of compensation for the purposes of the Lands Clauses Acts (*k*) were applicable to the case: Provided that the Court shall not make any allowance for compulsory sale (*l*), and shall not take into account any enhancement or depreciation of the market value of any stock or shares of the Company (*m*), which in the opinion of the Court was caused by or resulted from the passing or the anticipation of the passing of this Act, but the Court may make such allowance as they think just for recoupment of any loss of interest pending re-investment, as well as for the cost of re-investment, and for covering any costs, charges, and expenses (*n*) (other than costs incurred in any arbitration under this Act) which have been or are likely to be incurred in consequence of the passing of this Act by any metropolitan water company or the shareholders (*o*) or stockholders therein, and which ought, in the opinion of the Court, to be borne by the Water Board.

(9) The costs of any metropolitan water company (*p*) incurred in an arbitration under this Act shall, except and so far as the Court of Arbitration otherwise determine, be borne by the Water Board, and the costs of any other person attending an arbitration under this Act (*q*) shall be in the discretion of the Court of Arbitration, and that Court may order the taxation of any costs (*r*) in such manner and on such scale or principle (*s*) as they may think fit. And the costs of and incidental to any proceedings in the Court of Appeal (*t*), and the statement of a case under this section, shall be in the discretion of the Court of Appeal.

(10) The provisions of the Arbitration Act, 1889 (*u*), relating to—

- (*a*) The administration of oaths and the taking of affirmations; and
- (*b*) The correction in an award of mistakes and errors; and
- (*c*) The summoning attendance and examination of witnesses and the production of documents; and
- (*d*) False evidence

Sect. 23. shall apply to arbitrations under this Act and also (except with regard to the correction of mistakes and errors in awards) to inquiries held under this section; but, save as aforesaid, the Arbitration Act, 1889, shall not apply to arbitrations under this Act.

SUB-S. 10

(11) The Court of Arbitration shall commence their sittings within nine months after the passing of this Act (v) and shall proceed with the arbitrations so as to make as far as possible all their awards before the appointed day.

Sub-ss. (3) and (4) (a) Sub-section (3) leaves the discretion of the Court of Arbitration as to the number of officers to be employed free from the control of any central department, but sub-section (4), after providing for the payment of salaries or remuneration to the Commissioners and all officers and persons employed under the section of amounts to be fixed by the Local Government Board, makes the sanction of that Board necessary to all expenses of the Court of Arbitration. These expenses, as well as the remuneration of the Commissioners and officers and persons employed, will then be paid by the Water Board. The Commissioners cannot delegate any of their judicial duties as arbitrators, but may act by two of their number (see sub-section (7)).

Sub-s. (5) (b) "Subject to the provisions of this section." Amongst the provisions referred to are (in particular) those contained in sub-section (8), which will have the effect of limiting in important respects the very wide and general language of sub-section (5).

(c) "Adjustment of accounts." These words will enable the Court of Arbitration to settle such questions as apportionment of outgoings between the Board and the Companies.

Sub-s. (6) (d) The award of the Court of Arbitration will have the same effect as a judgment of the High Court, and it will be absolutely conclusive.

(e) "Shall be acted on . . . and enforced accordingly." The corresponding provision of the Arbitration Act, 1889 (Section 12), requires the leave of the Court or a Judge to be obtained before an award is enforced.

(f) It may be convenient, if there is a legal point which does not affect the value of the principal part of an undertaking, that there should be an interim award determining the bulk of the compensation to be paid, leaving the amount of the balance to be determined by a subsequent award after the legal question has been settled.

(g) A similar power to state an award in the form of a special case is conferred on arbitrators by Section 7 of the Arbitration Act, 1889, but in that Statute the tribunal to which the case is referred for opinion is the High Court, not the Court of Appeal.

(h) The provision as to the statement of a case for determination of a point of law also follows the Arbitration Act, 1889, s. 19, except that here also the Court of Appeal is substituted for the High Court.

It will be observed that no provision is contained in the sub-section to authorise Rules of Court being made in reference to the procedure with respect to the special cases referred to the Court of Appeal. The general power to make Rules of Court for carrying the Judicature Acts into effect and for regulating pleading practice and procedure in the High Court and Court of Appeal is given by Section 17 of the Judicature Act, 1875, and extended by Section 22 (1) of the Judicature (Officers) Act, 1879. It is probable, though it does not seem absolutely clear, that under these enactments there would be power to make rules dealing with the special

cases under this Act. But if this be not so, the Court of Appeal would, doubtless, establish a practice in relation to them. When it is desired to obtain a direction from the Court of Appeal to the Court of Arbitration for the statement of a case, it is submitted that the most proper and convenient course will be to apply *ex parte* to the Court of Appeal for leave to serve notice of motion for such direction as may be required for a day on which original motions are heard in the Court of Appeal. Such a motion would, it is conceived, be treated as an original motion, though original motions, in the Court of Appeal, are ordinarily only such as relate to matters arising out of a pending appeal—*e.g.*, applications for security for costs, or to advance the hearing.

Sect. 23.
NOTE.
SUB-S. 6

A further difference between the provisions of this sub-section and those of the Arbitration Act, 1889, is that "determination by" has been substituted for "the opinion of." The question might have been raised as to whether the decision of the Court of Appeal would be final on a point of law, or whether an appeal would lie to the House of Lords. The sub-section makes express provision as to appeals from the Court of Appeal to the House of Lords. Apart from any special enactment, there is no doubt that an appeal would lie in the case of an award stated in the form of a special case, but the Court of Appeal has held that the jurisdiction of the Court in dealing with a special case on a point of law stated in the course of proceedings before an arbitrator is consultative only. The opinion expressed is not an order (see *Re Knight v. Tabernacle, etc., Building Society Arbitration* [1892], 2 Q.B. 613). It is true that Section 1 (b) (v) of the Judicature Act, 1894 (57 & 58 Vict. c. 16) provides that no appeal shall lie without the leave of the Judge or of the Court of Appeal from any interlocutory order made or given by a Judge except (*inter alia*) any order on a special case stated under the Arbitration Act, 1889. But it is doubtful whether this enactment affects the above decision, as in the case of an interlocutory case stated by an arbitrator there is no "order on a special case."

The statutory right of appeal from the Court of Appeal to the House of Lords is given by the Appellate Jurisdiction Act, 1876 (39 and 40 Vict. c. 59), s. 3, only in the case of orders and judgments. This sub-section removes any doubt as to whether an appeal would lie to the House of Lords by allowing it in every case, if the Court of Appeal assents.

In order to prevent undue delay resulting from appeals to the House of Lords, the time within which they may be brought is limited to two months, but subject to any order made by the House under the Appellate Jurisdiction Act, 1876. By Section 11 of that Act it is enacted that appeals are not to lie to the House of Lords, except subject to such Standing Orders as may be made by the House in reference (*inter alia*) to the time within which appeals may be brought, and generally in relation to practice, procedure, or otherwise.

The existing Standing Order 1 of the House prescribes that, except when otherwise provided by Statute, no petition of appeal shall be received unless lodged within one year after the judgment or order appealed from. So that the provisions of sub-section (6) as to time would appear to prevail over the existing Standing Order, but might, it is submitted, be modified by a Standing Order subsequently made.

Sub-s. (7) (i) Inasmuch as the Court of Arbitration may act by two of their number, the decision of two Commissioners will be the decision of the Court.

(j) For Notice and Order, dated 28th February, 1903, issued by the Court of Arbitration, fixing the date of the first public sitting of the Court, and prescribing the forms of Statements of Claim and Answers thereto, see Appendix B, *post*.

Sub-s. (8) (k) The provisions of the Lands Clauses Acts relating to arbitration deal in the main with the manner in which arbitrators and umpires are to be appointed and with procedure, but give no directions to the arbitrators as to what they are to assess or how they are to assess it. All that the Acts provide is that in certain cases of disputed compensation

Sect. 23. the amount may be settled by arbitration. In the course, however, of the numerous arbitrations under the Lands Clauses Acts certain principles, **NOTE.** or at any rate practices of assessment, have been established. It has also been decided by the Courts that the compensation which a claimant is entitled to recover is compensation for the value of the property taken to him as vendor, and not the value to the purchaser (see *Stebbing v. Metropolitan Board of Works*, L. R. 6, Q. B. 37). The sub-section makes these principles generally applicable to arbitrations under the Act, but gives special directions to the arbitrators on three points:—

- (a) That no allowance should be made in respect of compulsory sale.
- (b) That the fluctuations in the market price of the stock of the Water Companies due to the passing or to the anticipation of the passing of the Act should be disregarded.
- (c) That allowance may be made to cover loss of interest pending re-investment as well as the cost of re-investment and costs, charges, and expenses incurred in consequence of the passing of the Act.
- (d) This provision is directed against the practice which has become almost universal with arbitrators of allowing a percentage on the ordinary value of land for compulsory sale.
- (e) Although it may not be possible for the Court of Arbitration entirely to disregard the value placed on a Company's undertaking by the market, the words are framed to give them an unfettered discretion in determining how far fluctuations in prices are due to anticipations of a Company getting good or bad terms for their undertaking. Fluctuations attributable to such a cause the arbitrators are directed not to take into account. It is to be observed that in connection with the various arbitrations held for the purpose of determining the compensation to which the Companies are entitled for their undertakings, questions of the most serious character, involving large amounts of money, will, almost inevitably, arise in connection with (amongst other matters) the right of the Companies to make up back dividends prior to the incorporation of the Waterworks Clauses Act, 1847 (as to which, see *Lampough v. The Company of Proprietors of the Kent Waterworks*, reported in the *Times* of 20th February, 1903), and the existence and effect of the so-called Sterilisation Clauses, and of the Sinking Fund Clauses.

(n) Costs, charges, and expenses (other than arbitration costs) which would be covered by the sub-section are such expenses as those of distributing the water stock allotted, winding up, etc. The language is wide enough to include, it is conceived, the costs of a scheme under the Fourth Schedule, or of the Bill to be introduced under Section 9 (8) by the New River Company, and the costs occasioned by reason of the payment of any water stock into Court, in case the Court of Arbitration should be of opinion that any of these classes of costs ought to be borne by the Water Board. In fact, the widest possible discretion appears to be given to the Court of Arbitration with regard to costs, charges, and expenses. A separate provision is made for the costs of arbitration (see sub-section (9)).

(o) "Shareholders." See definition of this expression in Section 37.

Sub-s. (9) (p) So far as the costs of a Metropolitan Water Company in an arbitration under this Act are concerned, they are to be borne by the Water Board, except in so far as the Court of Arbitration otherwise determine; but no directions are given to the Court as to when to make an exception to this rule.

(q) With regard to the costs of any other person attending an arbitration under this Act, they are to be in the discretion of the Court of Arbitration (but *query* as to what persons or corporations are included in this phrase, and whether it would include parties to arbitrations).

(r) "Any costs." Only, it is conceived, the costs in connection with an arbitration before the Court of Arbitration constituted by this Act.

(s) "On such scale or principle." The widest discretion appears to be

left to the Court of Arbitration as to awarding costs, either as between party and party or as between solicitor and client, and either on the higher or lower scale. An arbitrator can ordinarily award costs only as between party and party.

Sect. 23.
NOTE.
SUB-S. 9.

(*t*) The provisions as to the costs of proceedings before the Court of Appeal have apparently been inserted because it is doubtful whether the Court of Appeal has any inherent jurisdiction as to costs, except in the exercise of its appellate jurisdiction.

Sub-s. (10) (*u*) Most of the provisions of the Arbitration Act, 1889, are inconsistent with or rendered unnecessary by the provisions of this section, and its application is therefore excluded, except as to the provisions specified (see Appendix A, *post*).

Sub-s. (11) (*v*) This sub-section would not prevent the Court of Arbitration from adjourning its sittings in the event of the parties not being ready to proceed with the arbitration within the period named. Nine months after the passing of the Act is the 18th September, 1903. It is to be observed that no express limit of time is, or indeed well could be, fixed by the Act to the existence of the Court of Arbitration; but presumably, when the Court has become entirely *functus officio*, it will cease to exist.

Miscellaneous.

24.—(1) The Water Board shall, for the purposes of their powers and duties under this Act or otherwise with respect to the supply of water within the limits of supply, have power—

Subsidiary
powers of
Water
Board.

- (*a*) to manage, alter, enlarge, and, with the consent of the Local Government Board, to alienate (*a*), any land or buildings transferred to them under this Act or otherwise vested in the Water Board; and
- (*b*) to acquire, hire, erect, and furnish such buildings and offices as they may require, whether within or without the limits of supply, and for that purpose to acquire purchase or take on hire or exchange land: Provided that nothing in this section shall authorise or empower the Board (*b*) to acquire any waterworks or wells or to use any lands or any easements or any rights in or over lands acquired under the powers of this section for the purpose of obtaining water for public supply; and
- (*c*) to promote or oppose any Bill in Parliament and prosecute or defend legal proceedings.

(2) For the purposes of this section (*c*), sections one hundred and seventy-six, one hundred and seventy-seven, and one hundred and seventy-eight of the Public Health Act, 1875, shall, except so far as they relate to the acquisition of land otherwise than by agreement, apply as if they were herein re-enacted and in terms made applicable to the Water Board.

Sect. 24.
SUB-S. 3.

(3) The clerk of the Water Board or any officer or member thereof acting under a general or special resolution of the Board may authorise the institution and carrying on or the defence of any proceeding which the Board are authorised to institute, carry on, or defend. Any information or complaint under the provisions of this Act or any other Act, whether local or general, applying to the undertakings of the metropolitan water companies or of the Water Board, or any byelaws or regulations made thereunder, may be laid or made by an officer or member of the Water Board or by the clerk.

(4) The Superannuation (Metropolis) Act, 1866 (*d*), shall apply to the Water Board as if the Board were an authority mentioned in that Act.

Sub-s. (1) (*a*) (*a*) With regard to the rights of mortgagees (if any) of land alienated by the Water Board under this sub-section, see note on Section 4 (*supra*). As to the application of the proceeds of a sale under this section, see Section 22.

(b) (*b*) This provision, of course, will not prevent the Water Board, as successors of the Water Companies, from exercising any powers of acquiring waterworks, or of using for the purpose of obtaining water any lands or easements or rights, which the Water Companies may have possessed under their special Acts.

Sub-s. (2) (*c*) The effect of this sub-section is to apply the provisions of the Lands Clauses Acts (other than those relating to compulsory purchase and some others not necessary to be here referred to) to the acquisition of land by the Water Board, and also to authorise the leasing by the Water Board, with the consent of the Local Government Board, of any spare lands, and to make provisions for lands belonging to the Duchy of Lancaster. For the Public Health Act, 1875, Sections 176, 177, 178, see Appendix A, *post*.

Sub-s. (4) (*d*) By applying the Superannuation (Metropolis) Act, 1866, this sub-section authorises the Water Board to grant to any officer in its service who shall become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body, or of old age, upon his resigning or otherwise ceasing to hold his office, an annual allowance not exceeding in any case two-thirds of his then salary, regard being had to the scale of allowances fixed by the above Act. As to its application to the existing officers of the Companies, see Section 47 (8) and (10), and see the Act in Appendix A, *post*.

Provisions
for secur-
ing the
supply of
pure and
whole-
some
water.

25.—(1) The Water Board shall cause to be made chemical and bacteriological examinations of and experiments as to the condition of the water to be supplied by them.

(2) The Water Board shall supply such buildings, apparatus, and plant, and such staff, and construct such works as may be required for enabling such examinations and experiments to be conducted efficiently.

(3) The persons employed by the Water Board to make examinations and experiments under this section shall periodically report to the Water Board the result of their

examinations and experiments, and a copy of the report shall at the same time be sent to the water examiner. Sect. 25.
SUB-S. 3.

(4) The Water Board shall take and record such observations as may be required by the Local Government Board.

(5) The water examiner (*a*) shall, at all reasonable times, have free access to the works of the Water Board for the purpose of inspecting those works, and shall have all proper facilities for making such inspection.

Sub-s. (5) (*a*) The office of water examiner will continue after the transfer of the Water Companies' undertakings to the Water Board, as Section 36 of the Metropolis Water Act, 1871 (Appendix A, *post*), under which he is appointed and carries out his duties, is not repealed by the Act (see Fifth Schedule, *infra*); and the liability for the payment of his salary will be transferred to the Water Board (see Section 3).

This sub-section gives the water examiner for the first time a legal right of entry. Hitherto he has only been allowed to inspect the works of the Companies by their courtesy.

26.—(1) If at any time (*a*) by reason of the variation of population or the constitution or inclusion within the limits of supply of any borough or urban district it is proved to the satisfaction of the Local Government Board that the representation on the Water Board of any borough or district ought to be varied or that any borough or urban district within the limits of supply ought to be represented on the Water Board, the Local Government Board may make an order altering the representation of boroughs and urban districts and may by any such order alter the total number of members of the Board. Power of
the Local
Govern-
ment
Board to
make pro-
visional
orders for
certain
purposes.

(2) The Local Government Board may by order (*b*), on the application of the Water Board, include within the limits of supply any district which, having, as a rural district or as a part thereof, ceased to be within the limits of supply, has subsequently been made an urban district.

(3) The Local Government Board may by order make such adaptations in the provisions of any general or local Act relating to the metropolitan water companies or any of them (*c*) as may be necessary in consequence of the passing of this Act.

(4) An order under this section may contain any incidental, consequential, or supplemental provisions which may appear to be necessary or proper for the purposes of the order, but shall be provisional only and shall not have effect unless confirmed by Parliament, and sections two hundred and ninety-seven and two hundred and ninety-

Sect. 26. eight of the Public Health Act, 1875 (*d*), shall, with the necessary modifications, apply to provisional orders under this section in like manner as they apply to provisional orders authorised to be made by the Local Government Board under that Act.

SUB-S. 4.

Sub-s. (1) (*a*) This provides for the variation of the representation of Councils on the Water Board, and for the representation thereon of Councils not previously represented, and the consequent alteration (when necessary) of the total number of the constituent authorities enumerated in Section 1 (3). It will be observed that this variation is confined to the representation of borough and district councils, and does not include that of County Councils, of the City of London, or of the Thames and Lee Conservators, which is stereotyped. The language of the sub-section, however, appears sufficiently wide to include metropolitan as well as municipal boroughs. The causes which may require the alteration of representation may be taken to be: (1) increase or decrease of population; (2) the constitution of new boroughs; (3) the constitution of new urban districts; and (4) the inclusion within the limits of supply of boroughs or urban districts which were previously outside the same.

Sub-s. (2) (*b*) An order made under this sub-section for the reinclusion of a district formerly rural, but which had been made an urban district, could, it is conceived, provide for giving the district representation on the Water Board, for retransferring to the Water Board the works of distribution in the rural district transferred under Section 13, and all other consequential matters (see sub-section (4)).

Sub-s. (3) (*c*) The power to make "adaptations in the provisions of any general or local Act relating to the Metropolitan Water Companies" would probably extend to cover the cases of such enactments as the provisions of Thames and Lee Conservancy Acts conferring powers on the Metropolitan Water Companies or some of them.

Thus by Section 8 of the Thames Conservancy Act, 1894 (57 and 58 Vict. c. clxxxvii.), the Metropolitan Water Companies are entitled to appoint one of the Thames Conservators; and the conservator is to be appointed by the governors and chairmen for the time being of the Companies or a majority of them (Section 27). The special qualification for the conservator so appointed is that he must be a member of the board of directors or other governing body of one of those Companies (Section 28 (1) (*g*)).

By the Lee Conservancy Act, 1888 (31 and 32 Vict. c. cliv.), the New River and East London Companies each have the right of appointing two members of the Lee Conservancy Board. There does not appear to be any special qualification required.

These provisions will require to be adapted in order to make them applicable to the Water Board, and the Provisional Order making the adaptations could, it is conceived, deal with the tenure of office of the existing representatives of the Companies on the Board, as a matter incidental to or consequential on the Order.

Sub-s. (4) (*d*) For the provisions of the Public Health Act, 1875 (Sections 297, 298), here referred to, see Appendix A, *post*.

Provisions
as to local
inquiries.

27.—(1) The Local Government Board may hold such local inquiries as they think fit in relation to any matters to which their sanction, approval, or consent is required by this Act, and in relation to any other matters connected with their powers and duties under this Act.

(2) The expenses incurred by the Local Government Board in respect of any such inquiries and any other proceedings for the purposes of this Act shall be paid by the Water Board or by such authorities and persons and out of such funds and rates as the Local Government Board may by order direct, and that Board may certify the amount of the expenses so incurred, and any sum so certified and directed by that Board to be paid by the Water Board or by any authority or person shall be a debt from the Water Board, or from that authority or person, to the Crown.

Sect. 27.
SUB-S. 2.

(3) Such expenses may include the salary of any inspector or officer of the Local Government Board engaged in the inquiry or proceeding, not exceeding three guineas a day.

(4) The Local Government Board and their inspectors appointed by them to hold such inquiry as aforesaid shall have for the purposes of the inquiry the same powers as they respectively have for the purposes of an inquiry under the Public Health Act, 1875.

See the Public Health Act, 1875, Sections 293-298 (Appendix A, *post*). By Section 296 similar powers are conferred upon Inspectors of the Local Government Board to those which Poor Law Inspectors have under the Poor Law Board Act, 1847 (10 and 11 Vict. c. 109), Section 21 (see Appendix A, *post*).

28. The Water Board shall make to the Local Government Board an annual report of their proceedings, and this report shall be laid annually before Parliament by the Local Government Board. The Water Board shall also give to the Local Government Board such returns, statistics, and information, with respect to the exercise of the powers of the Water Board, as the Local Government Board may require.

Annual report.

"This report." It is conceived that the use of these words will necessitate that the report of the Water Board should be laid before Parliament separately, and should not be included in the annual report of the Local Government Board.

29.—(1) As soon as the compensation due to any metropolitan water company shall have been duly paid or satisfied (*a*) to such company in accordance with this Act, the company shall enter upon a liquidation of its affairs, and upon the conclusion thereof be dissolved in manner provided with respect to the company in the Fourth Schedule to this Act (*b*).

Dissolution of water companies.

This sub-section shall not apply to the New River Company or to the Staines Reservoirs Joint Committee (*c*).

Sect. 29. (2) The several provisions and powers contained in the
SUB-S. 2. several special Acts of the metropolitan water companies shall remain and be of full force as regards the companies respectively, so far as the same are necessary or required for the purposes of any company up to and until the dissolution thereof (*d*) :

Provided always that it shall not be obligatory to fill up any vacancy in the office of director occurring after the appointed day and it shall be lawful for the continuing directors for the time being of each company to exercise all powers of directors up to and until the dissolution of the company.

Sub-s. (1) (*a*) "Satisfied." This word refers to a possible discharge of the compensation in water stock (see Section 2 (2)).

(*b*) See the Fourth Schedule (*infra*), which provides that the schemes to be prepared in accordance with the provisions of the Fourth Schedule shall make proper provision for the discharge by the Companies of such of their liabilities as under the Act are to continue as liabilities of the Companies. By paragraph 4 of the Fourth Schedule the certificate of the Board of Trade, that the provisions of the scheme made under the Schedule have been completely carried out, and that any necessary moneys or water stock have been paid or transferred into court, is required before the dissolution takes effect.

(*c*) The winding-up or reconstruction of the New River Company is dealt with by Section 9 (8), and the dissolution of the Staines Reservoirs Joint Committee by Section 10.

Sub-s. (2) (*d*) This sub-section makes it clear that the constitution of the Water Companies till wound up is to remain unaffected by the transfer of their undertakings to the Water Board and the application to that Board of the Special Acts relating to the Companies, but the proviso relieves the Companies from the necessity of keeping up the numbers of their directorates after they have parted with their undertakings.

Provision
as to
qualifica-
tion of
justices.

30. A justice of the peace shall not be incapable of acting in any case in which the Water Board are a party by reason only that as a ratepayer, water consumer, or holder of water stock or debenture stock, or as one of any other class of persons, he is liable to contribute to, or to be benefited by, the water fund.

The effect of this section is to remove any disqualifications which would otherwise prevent a justice who was in any wise interested in the Water Fund from acting in any case in which the Water Board was a party.

For definition of "water consumer," see Section 37.

Saving of
right of
author-
ities to be
heard
against
Bills.

Savings.

31. Nothing in this Act shall affect the right of any council or other authority represented on the Water Board to be heard against any Bill or Provisional Order promoted or applied for by the Water Board.

The effect of this section is to preserve to local authorities the rights conferred on them by Standing Orders 134, 134A, 134B, 134C, 151, and 208A (House of Commons, 1903) of appearing against Bills promoted, and Bills confirming Provisional Orders applied for, by the Water Board, notwithstanding the fact that they are represented on the Water Board.

Sect. 31.
NOTE.

The above-mentioned Standing Orders are as follows :—

“134. It shall be competent to the referees on private Bills to admit the petitioners, being the municipal or other authority having the local management of the Metropolis, or of any town, or the inhabitants of any town or district alleged to be injuriously affected by a Bill, to be heard against such Bill, if they shall think fit.

Municipal authorities and inhabitants of towns.

“134A. The municipal or other local authority of any town or district alleging in their petition that such town or district may be injuriously affected by the provisions of any Bill relating to the lighting or water supply thereof, or the raising of capital for any such purpose, shall be entitled to be heard against such Bill.

Local authorities to have a *locus standi* against Lighting and Water Bills.

“134B. It shall be competent to the referees on private Bills to admit the petitioners, being the council of any administrative county or county borough, the whole or any part of which is alleged to be injuriously affected by a Bill, to be heard against such Bill if they think fit.

County Council alleged to be injuriously affected by Bill.

“134C. The council of any administrative county alleging in their petition that such administrative county, or any part thereof, may be injuriously affected by the provisions of any Bill relating to the water supply of any town or district, whether situate within or without such county, shall be entitled to be heard against such Bill.

County Council to have a *locus standi* against a Water Bill.

“151. Whenever the House shall order that any Bill for confirming a Provisional Order or a Provisional Certificate be referred to the committee of selection with respect to any Order or Certificate to be confirmed thereby, the proceedings of the select committee to which the Bill is referred, and of the referees, shall be conducted in like manner as in the case of private Bills, and shall be subject to the same rules and orders of the House, so far as they are applicable, except those which relate to the payment of fees by the promoters of such Provisional Order or Certificate.

Proceedings on Bills for confirming Provisional Orders, etc.

“208A. Every Bill for confirming Provisional Orders or Provisional Certificates shall after the second reading stand referred to the Committee of Selection, or to the General Committee on Railway and Canal Bills as the case may require, and be subject to the Standing Orders regulating the proceedings upon private Bills so far as they are applicable, provided that when any Order or Certificate contained in any such Bill is opposed, the committee to whom such opposed Order or Certificate is referred shall consider all the orders or certificates comprised in such Bill.”

Provisional Order Bills to stand referred to Committee of Selection or General Committee on Railway and Canal Bills, etc.

32. Notwithstanding anything in this Act it shall not be lawful for the Water Board without the authority of Parliament to supply water in that part of the parish of Hendon which under the Colne Valley Water Act, 1873, is within the limits of supply of the Colne Valley Water Company.

Saving for the Colne Valley Water Company.

The Colne Valley Company has an arrangement with the New River Company by which the New River Company have pledged themselves not to compete with the Colne Valley Company in the part of Hendon supplied by the latter Company.

This section preserves this arrangement.

33. Nothing contained in or done under this Act shall prejudice or affect any agreement between the South West

Saving for the South-west

Sect. 33. Suburban Water Company and any metropolitan water company or any local authority or person made prior to the passing of this Act, for a supply of water within the statutory district of the South West Suburban Water Company, or shall authorise the Water Board to supply water within the limits of supply of the South West Suburban Water Company as defined by section four of the South West Suburban Water Act, 1883, except in pursuance of any such agreement.

Suburban
Water
Company.

The Grand Junction Company by arrangement with the South-west Suburban Water Company supplies parts of Southall and Norwood which are not within the limits of supply of the former Company, but are within those of the South-west Suburban Company.

This section is inserted to prevent Section 3 of the Act having the effect of giving to the Water Board powers of supplying water within those parishes, except with the consent of and under agreement with the South-west Suburban Company.

34. The provisions of this Act shall not empower the Water Board or any local authority to supply water within the limits for the supply of water of the Sutton District Water Company, as defined by the Sutton District Waterworks Act, 1871, except so much thereof as was on the twenty-fifth day of March one thousand nine hundred and two supplied by the Company of Proprietors of Lambeth Waterworks.

Saving for
the Sutton
District
Water
Company.

The Lambeth Company supplies water outside its district in the part of the parish of Cuddington comprised within Worcester Park. This parish is not within the limits of supply of the Lambeth Company, but is within the limits of supply of the Sutton Company.

It would seem that this section will not only prevent Section 3 of the Act having the effect of giving the Water Board a right to supply water throughout the parish of Cuddington, and restrict the powers of the Water Board to supply water in that parish to the part of the parish actually supplied at the date mentioned in the section by the Lambeth Company, but is wide enough in its terms to prevent the Water Board supplying water in the area where the district of the Lambeth Company overlaps the district of the Sutton Company, and thereby competing in its supply with the Sutton Company.

35.—(1) The Water Board shall not be entitled to supply water within so much of the urban district of Enfield as is comprised within the statutory limits of the Barnet District Gas and Water Company for the supply of water (a), but this restriction shall apply only if and so long as that company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the Enfield Urban District Council, and the provisions

Saving for
the Barnet
District
Gas and
Water
Company.

as to the settlement of differences under section fifty-two of the Public Health Act, 1875, shall apply. **Sect. 35.**
Sub-S. 1.

(2) The provisions of this Act shall not empower the Water Board to supply water (unless with the consent of the Barnet District Gas and Water Company) within any part of the statutory limits of that company for the supply of water in which a metropolitan water company were not authorised to supply water, except to such premises as at the appointed day may be actually supplied by the New River Company (b).

Sub-s. (1) (a) The effect of this sub-section is to prevent the Water Board as successors of the New River Company competing with the Barnet District Gas and Water Company in a small corner of Enfield, which is within the limits of supply of the latter Company, so long as that Company are able and willing to furnish an adequate supply of water. (As to the provisions of Section 52 of the Public Health Act, 1875, see Appendix A, *post*.)

Sub-s. (2) (b) The New River main runs down the Finchley Road, where it is bordered on one side by the parish of Southgate, and on the other side by East Barnet, the former parish being within, and the latter without, the districts of supply of the New River Company. The New River Company supplies a few houses along the Finchley Road situate in East Barnet.

This sub-section prevents Section 3 of the Act having the effect of extending the powers of the Water Board to the whole of the parish of East Barnet (unless with the consent of the Barnet District Company), and restricts the powers of supply of the Board within that parish to the houses actually supplied on the appointed day by the New River Company.

36. Notwithstanding anything in this Act it shall not be lawful for the Water Board to extend their supply of water, whether in bulk or otherwise, to or within so much of the Romford Rural District as is comprised within the statutory limits of the South Essex Waterworks Company, but this restriction shall apply only if and so long as that company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the Romford Rural District Council, and the provisions relating to the settlement of differences under section fifty-two of the Public Health Act, 1875, shall apply. Saving for the South Essex Waterworks Company.

Part of the Romford rural district lies within the district of supply of the East London Company, and the whole of it within the district of supply of the South Essex Waterworks Company. The East London Company supplies only one or two houses within the district, and the effect of this section will be to prevent the Water Board competing with the South Essex Company within the rural district of Romford, so long as the South Essex Company are able and willing to give a proper supply. (For provisions of Section 52 of the Public Health Act, 1875, see Appendix A, *post*.)

Definitions : Repeal : Short Title.

37. In this Act, unless the context otherwise requires,— **Definitions.**
The expression “constituent authority” (a) means a

Sect. 37.

council, group of councils, or other body entitled to appoint one or more members of the Water Board :

The expression "undertaking" (b) includes, in the case of any metropolitan water company, all rights of taking, distributing, and supplying water, and all other their rights, powers, authorities, and privileges, and all such property, real and personal, including cash balances, reserve funds, investments, and all other interests and rights in, to, and out of the property, real and personal, and obligations, and things in action, as may be in the possession of the company, or belonging to them, immediately before the appointed day, and all books, accounts, and documents relating thereto, but subject to all debts, liabilities, and obligations of the company by this Act transferred to the Water Board :

The expression "appointed day" means the twenty-fourth day of June one thousand nine hundred and four, or such other day as the Local Government Board may appoint, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections, or for different authorities or different metropolitan water companies, but no day earlier than the said twenty-fourth day of June shall be appointed as respects any metropolitan water company, except with the consent of that company and the Water Board :

The expression "water consumer" (c) means any person who is supplied with water by the Water Board, or who pays or is liable to pay, any money charged by that Board for or in respect of the supply of water, whether under the name of rent, rate, or otherwise :

The expression "debenture stock" means any debenture stock or debentures, the liability for which is transferred by this Act to the Water Board :

The expression "mortgage debt" means any debt secured by bond or otherwise (d), the liability for which is transferred by this Act to the Water Board :

The expression "shareholder" includes, in the case of

the New River Company, the owners of and **Sect. 37.**
persons interested in the thirty-sixth parts or
shares in the Adventurers' moiety of the under-
taking of the New River Company and the thirty-
sixth parts or shares in the King's moiety of that
undertaking (e).

(a) The expression "constituent authority" does not appear in the body of the Act, but only in the Third Schedule. For an enumeration of the constituent authorities, see Section 1 (3) of this Act.

(b) See also Section 11 (8) for a special definition of "water undertaking" for the purposes of that section only. With regard to the New River Company the definition of "undertaking" in the present section must be read in conjunction with Section 9, sub-sections (1), (3), (6).

With regard to certain balances to be paid over to the Companies by the Water Board, see Section 40 (2), (3).

Under Section 41 (1) (a) the Companies may for certain purposes, including the preparation and conduct of their cases for arbitration, temporarily retain for their own use such money, offices, books, accounts, and documents as, failing agreement with the Water Board, shall be determined by the Local Government Board.

As to what liabilities of the Companies are transferred to the Water Board, see Sections 2 (1), 9 (2), and 40 (1).

(c) "Water consumer." The definition of this expression follows the first part of the definition in Section 5 of the Metropolis Water Act, 1897 (60 and 61 Vict. c. 56), Appendix A, *post*, omitting the words in that section "and includes any householder or owner or occupier of a house entitled to make a communication with the mains or pipes of any of those Companies." The omitted words are unnecessary in the present Act, the only enactments in which the expression is found being (it is believed) Section 19 of the Act as to the rights of water consumers with respect to audit, and Section 30 as to the disqualification of justices.

(d) It is doubtful whether there are, in fact, any debts of the Companies secured otherwise than by debentures, debenture stock, or mortgage, unless the Chelsea Company has any bonds still subsisting. See notes on Section 4.

(e) See Section 9 and notes thereon.

38. The enactments mentioned in the Fifth Schedule to **Repeal.**
this Act shall as from the appointed day be repealed to the
extent specified in the third column of that schedule.

See the Fifth Schedule and notes thereon, *infra*.

It should be noticed that these repeals only take effect as from the appointed day (see definition thereof in Section 37).

39. This Act may be cited as the Metropolis Water Act, **Short**
1902. **title.**

Transitory Provisions.

40.—(1) Until the appointed day the undertaking of each metropolitan water company shall be maintained and **Mainten-**
carried on by the company as heretofore in the ordinary **ance of**
course of business, but if the Water Board think that any **under-**
appointment to any office or service of the company, or any **takings**
day. **till**

Sect. 40. contract with respect to any matter connected with the
SUB-S. 1. undertaking, or any alteration in the rate of salary or wages payable to any officer or servant of the company, made by the company subsequently to the introduction of the Bill for this Act, was not reasonably necessary in the ordinary course of business of the company, they may give notice in writing to the company to that effect within three months after the appointed day :

Provided that if the Water Board give any such notice, it shall be referred to the Court of Arbitration under this Act to determine whether or not the appointment, contract, or alteration was reasonably necessary in the ordinary course of the business of the company, and that court shall determine whether and to what extent, as between the Water Board and the company, any liability arising in respect thereto is to be transferred to the Water Board, or is to continue as a liability of the company (a).

(2) The accounts and balance sheet of each of the metropolitan water companies up to the appointed day shall be made up and audited in like manner and with the like incidents and consequences, as nearly as may be, as if this Act had not been passed, but as soon as practicable after the appointed day ; and for that purpose the provisions of the Metropolis Water Act, 1871 (b), relating to the auditor and the audit of the accounts of the companies shall notwithstanding any repeal by this Act continue to apply ; and the balance shown on the certified accounts representing profits available for immediate distribution as dividend and legally distributable as such shall, in the case of each of such companies, be thereupon paid over by the Water Board to that company ; and the accounts and balance sheet of each such company after the appointed day shall be audited by auditors appointed by the company.

(3) In determining the compensation for the transfer of the undertaking of a company, the sum payable to the company under this section shall not be valued as forming part of the undertaking (c).

Sub-s. (1) (a) This sub-section will not affect the rights of parties other than the Companies and the Water Board. A person or corporation who has received an appointment under, or an increase of salary from, or entered into a contract with a Water Company, will be entitled to the same rights against the Water Board as he enjoyed against the Company (see Sections 2 (1) and 45, and as to pensions and superannuation allowances, Section 47 (7)). But the Water Board will have a remedy over against the Water Company if the Court of Arbitration hold the appointment, increase of

salary, or contract unnecessary, and determine that, as between the Board and the Company, the liability created thereby is not to be transferred. **Sect. 40.**

The liabilities to which this sub-section refers are to be provided for by the scheme to be prepared by the Directors of the Company under paragraph 1 of the Fourth Schedule (see that Schedule, *infra*). **NOTE.**
SUB-S. 1.

Sub-s. (2) (*b*) For the provisions of the Metropolis Water Act, 1871, which are by, Section 38 and the Fifth Schedule, repealed, except so far as provided by the present section, see Appendix A, *post*, and see notes on Section 19.

For payments in lieu of dividend between the appointed day and the time when the compensation to any Company is discharged, see Section 43.

Sub-s. (3) (*c*) The expression "undertaking" includes (by Section 37) cash balances, and this sub-section is intended to make it clear that the sum which under this section will be paid to a Company and distributed as dividend among their shareholders is not to be reckoned as a part of the compensation to which the Company is entitled for the transfer of their undertaking. The cash balances will, it is presumed, in the first instance be transferred to the Water Board, and so much thereof as the present section applies to will then be repaid to the Company.

41.—(1) For the purpose of enabling the metropolitan water companies to prepare and conduct their cases for arbitration under this Act, and to enter into agreements with the Water Board, and to discharge their liabilities, and generally to carry on the business of the companies, and to wind up their affairs and dissolve the companies—

Provisions
for en-
abling
companies
to carry
on the
business,
etc., after
the ap-
pointed
day.

(*a*) Any such company may after the appointed day temporarily retain for their own use such money, offices, books, accounts, and documents, and the services of such officers and servants, as may be agreed upon between the Water Board and the company, or failing agreement, be determined by the Local Government Board; and

(*b*) Any officer of and any other person authorised in that behalf by any such company shall have free access to all the works transferred to the Water Board from the company for the purpose of inspecting those works (*a*), and to all books, accounts, and documents of the company in the possession of the Water Board, for the purpose of inspecting, copying, and making extracts from the same, and shall have all proper facilities for the purposes aforesaid; and

(*c*) There shall be paid by the Water Board to each such company from time to time on account of the sum ultimately found to be due to the company from the Board, such sums (*b*) as may be agreed upon between the Board and the company, or failing agreement, as may be determined by the Local Government Board.

Sect. 41. (2) It shall be at the option of the Local Government
SUB-S. 2. Board to determine any matter, which by this section they are authorised to determine, as arbitrators or otherwise, and if they elect to determine the matter as arbitrators, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade (c), and the enactments amending those provisions, shall apply as if they were herein re-enacted, and in terms made applicable to the Local Government Board and the determination of matters under this section.

Sub-s. (1) (b) (a) This provision will enable the Water Companies to inspect their works after they have passed into the possession of the Water Board, so as, if necessary, to be in a position to adduce evidence before the Court of Arbitration that the works are not being maintained in the same condition of efficiency as when transferred.

(c) (b) By Section 9 (4) the compensation payable to the New River Company is, "notwithstanding anything in this Act contained" (see introductory words of the same section), to be discharged wholly in water stock. The question therefore may arise whether the New River Company could waive their right to take stock, for the purpose of receiving a cash payment under this sub-section, in case they required funds for carrying on their cases before the Court of Arbitration.

Sub-s. (2) (c) The provisions of the Regulation of Railways Act, 1868 (31 and 32 Vict. c. 119), above referred to, are as follows:—

"30. Whenever the Board of Trade are required to make any award or to decide any difference in any case in which a company is one of the parties, they may appoint an arbitrator to act for them, and his award or decision shall be deemed to be the award or decision of the Board of Trade.

"If the arbitrator dies, or in the opinion of the Board of Trade becomes incapable or unfit, the Board of Trade may appoint another arbitrator.

"31. The Board of Trade may fix the remuneration of any arbitrator or umpire appointed by them in pursuance of this or any other Act in any case where a company is one of the parties, and may, if they think fit, frame a scale of remuneration for arbitrators and umpires so appointed by them, and no arbitrator or umpire so appointed by them shall be entitled to any larger remuneration than the amount fixed by the Board of Trade.

"32. The provisions of Sections 18 to 29, both inclusive, of the Railway Companies Arbitration Act, 1859, shall, so far as it is consistent with the tenor thereof, apply to an arbitrator appointed by the Board of Trade, and to his arbitration and award, notwithstanding that one of the parties between whom he is appointed to arbitrate may not be a railway company, and in construing those sections for the purpose of this Act, the word 'companies' shall be construed to mean the parties to the arbitration."

Inspection of works, etc., of companies.

42. Any person authorised in that behalf by the Water Board shall have free access to the works of any metropolitan water company for the purpose of inspecting those works and to all books, accounts, and documents in the possession of the company (other than documents prepared for the purpose of an agreement or arbitration under this Act), for the purpose of inspecting, copying, and making

extracts from the same, and shall have all proper facilities **Sect. 42.**
for the purposes aforesaid.

It is conceived that this section will apply to any books, accounts, and documents of the New River Company which are connected with their water supply, although they also relate to other parts of their undertaking or property. These documents are by Section 9 (1) excluded from their undertaking, and will be permanently retained by them.

43.—(1) The Water Board shall, from and after the appointed day, pay by way of interest on purchase money to each metropolitan water company half-yearly until the compensation under this Act is paid or satisfied to such company a sum of money equal to the dividend on the ordinary and preference capital of the company calculated on the average rate of dividend paid thereon respectively in respect of the two half years preceding the publication of the notice for the Bill for this Act, together with, in respect of the reasonable expectations of increasing dividends (if any), such additional sums (if any) as may be agreed on, or in default of agreement as may be determined by arbitration under this Act; such sum shall and may be treated by the companies respectively as profits available for dividend between the shareholders as if this Act had not been passed and may be distributed or dealt with accordingly :

Payment
of divi-
dends to
companies
till dis-
charge of
compen-
sation.

Provided that—

- (a) if the amount payable in any year under this section to any company (a) exceeds the amount which, by reason of any limitation on the dividend of that company, would have been distributable as dividend if this Act had not been passed, the excess shall not be paid to the company ; and
 - (b) if any instalment of such compensation as aforesaid is in pursuance of an interim award (b) of the Court of Arbitration paid or satisfied to the company the sums payable under this section shall as from the date of payment or satisfaction be reduced by such an amount as may be specified in the interim award.
- (2) The payments under this section shall, until the compensation as aforesaid under this Act is paid or satisfied, be payable by the Water Board at the dates on which the dividend on the ordinary and preference capital would have been distributable by the company :

Provided that if on the date at which any such sum is

Sect. 43. payable to a company it has not been determined whether
SUB-S. 2. any or what additional sum is payable to the company, the additional sum (if any) shall be paid as soon as the amount thereof has been so determined.

(3) In this section the expression "ordinary and preference capital" means, in the case of each company, all the capital of the company in stock or shares, whether ordinary or preference, as the case may be, existing on the appointed day, and includes also in the case of the New River Company the shares of all the shareholders (c) of that company.

Sub-s. (1) (a) (a) The first paragraph (a) of the proviso to this section will not apply in the case of the New River Company, who are subject to no limitation of their dividend.

(b) (b) For the power of the Court of Arbitration to make an interim award, see Section 23 (6).

Sub-s. (3) (c) For the definition of "shareholder" in the case of the New River Company, see Section 37.

Temporary
advances.

44.—(1) With a view to supply funds to the Water Board immediately on their entering on the undertakings of the metropolitan water companies, the Water Board may obtain advances of such sums of money as they may require for meeting their obligations (a) and carrying on their business, provided that the total amount so obtained shall not exceed five hundred thousand pounds, or such larger sum as the Local Government Board may sanction; and the sums so advanced shall be charged on the water fund; but it shall be the duty of the Water Board to repay any advance obtained under this section within five years from the date of obtaining the advance, and all interest thereon.

(2) The provisions of this Act as to borrowing, and the repayment of money borrowed shall not apply to advances under this section.

Sub-s. (1) (a) "Obligations." These would include (*inter alia*) the payments by way of interest on purchase money made to the Companies under Section 43, a purpose which is expressly excluded from the borrowing powers conferred on the Water Board by Section 16 (1).

Having regard to the introductory words of the sub-section, it is very doubtful whether the obligations referred to include obligations incurred by the Water Board before they enter on the undertakings of the Water Companies, but it may be possible that the Water Board would be able to borrow money for the purpose of meeting such obligations under the general power conferred upon them by Section 16 (1) to borrow for the purpose of any payment with the consent of the Local Government Board.

Pending
proceedings and
existing
contracts.

45. Subject to the provisions of this Act and without prejudice to any remedy over by the Water Board against any metropolitan water company (a)—

- (a) if on the appointed day any proceeding or any cause **Sect. 45.** of action is pending or existing by or against any metropolitan water company, the same shall not abate, be discontinued, or be in any way prejudicially affected by reason of the transfer to the Water Board of the undertaking of the company or of anything in this Act, but the proceeding or cause of action may be continued, prosecuted, and enforced by or against the Water Board as it might have been by or against the company if this Act had not been passed, but not further or otherwise; and
- (b) All contracts, deeds, bonds, agreements, and other instruments subsisting immediately before the appointed day, and affecting any metropolitan water company, shall be of as full force and effect against or in favour of the Water Board, and may be enforced as fully and effectually as if, instead of the company, the Water Board had been a party thereto:

Provided that nothing in this section shall affect any proceeding, cause of action, contract, deed, bond, agreement, or other instrument relating solely to any landed estate, houses, or property of the New River Company (b), or any debts, liabilities, or obligations of the company incurred solely in respect thereof, which, under the provisions of this Act, are not transferred to the Water Board.

(a) The introductory words refer to the provisions of Section 40 (1) and the Fourth Schedule, paragraph 1.

(b) With regard to the New River Company, see Section 9 (1), (2), (3).

46. All byelaws, rules, regulations, and scales of water charges (a) made or enforceable by any metropolitan water company shall, so far as they are consistent with the provisions of this Act (b), continue in force with respect to the undertaking to which they relate, until repealed, altered, or superseded.

Saving for existing byelaws, etc.

(a) Under Section 15 (6) the Water Board are precluded from reducing rates charged for the supply of water, unless they are satisfied that no deficiency in the Water Fund will be caused thereby; but they are within three years after the appointed day to introduce a Bill for uniform scales of charges throughout the limits of supply.

(b) "So far as they are consistent with the provisions of this Act." These words are inserted because there may be regulations of the Companies prescribing their procedure at general meetings, and so forth, which would not be applicable to the Water Board.

Sect. 47.
SUB-S. 1.

Existing
officers
and
servants.

47.—(1) Subject to the provisions of this Act every officer and servant of a metropolitan water company employed upon or in connexion with the undertaking immediately before the appointed day (in this Act referred to as “an existing officer” and “an existing servant”) shall, as from the appointed day, become an officer or servant of the Water Board and shall hold his office or situation by the same tenure and upon like terms and conditions under the Water Board as he would have held the same under the company if this Act had not been passed, and while performing the same duties shall receive not less salary, wages, or pay than he would have been entitled to if this Act had not been passed (a).

(2) Every existing officer and existing servant shall perform such duties in connexion with the water undertaking of the Water Board as they may be required to perform by the Board.

(3) The Water Board may abolish the office or situation of any existing officer or existing servant which they deem unnecessary, and any existing officer or existing servant required to perform duties such as are not analogous, or which are an unreasonable addition to those which as an officer or servant of the company he was required to perform, may relinquish his office or service.

(4) Every existing officer or existing servant whose office is so abolished or who so relinquishes his office or service as aforesaid, or who otherwise suffers any direct pecuniary loss in consequence of this Act, shall be entitled to be paid by the Water Board compensation for such pecuniary loss, regard being had to the conditions on which his appointment was made, the nature of his office or employment, the duration of his services, and any other circumstances affecting the case.

(5) Subject to the provisions of this section, the provisions contained in section one hundred and twenty of the Local Government Act, 1888, relating to compensation to existing officers (b), shall apply to any claim for compensation by an existing officer or an existing servant with the substitution of references to the Water Board and water fund for references to the County Council and county fund.

(6) If within a period of five years after the appointed day the services of any existing officer or existing servant are dispensed with by the Water Board, because his services are not required, and not on account of misconduct or

incapacity, or the salary of any such officer or servant is reduced on the ground that his duties have been diminished in consequence of the provisions of this Act, the officer or servant shall be deemed to have suffered direct pecuniary loss in consequence of this Act.

Sect. 47
SUB-S. 6.

(7) Any person who on the appointed day is in receipt of a pension or other superannuation allowance from a metropolitan water company shall continue to receive from the Water Board the same pension or allowance unless he is guilty of grave misconduct, and any question whether he has been guilty of such misconduct shall in case of difference be determined by the Local Government Board:

Provided that if the Court of Arbitration, on the application of the Water Board, made within three months after the appointed day, determine that a grant or increase of a pension or superannuation allowance made by a company after the date of the introduction of the Bill for this Act was not in accordance with the usual practice of the company with respect to granting and increasing pensions and allowances, the Water Board shall not be liable to pay the pension or allowance or increased pension or allowance to such extent as the court may determine.

(8) In computing the time of service of any existing officer or existing servant for the purpose of determining the compensation to which he is entitled under this section, or of any annual allowance that may be awarded him by the Water Board under the provisions of the Superannuation (Metropolis) Act, 1866, as applied by this Act (c), the period during which he has been in the service of a metropolitan water company shall be included, and in the case of the following existing officers, viz., Isaac Adolphus Crookenden, the secretary, and William Booth Bryan, the engineer, of the East London Waterworks Company; Harry Wilkins, the secretary, and Thomas Farmer Parkes, the engineer, of the Company of Proprietors of Lambeth Waterworks, who were appointed to their office as specially qualified persons at an age exceeding that at which public service ordinarily begins, there shall be added to the number of years during which he has actually served, such number of years not exceeding twenty, as the Water Board or (on appeal) the Treasury may think just. Any such appeal to the Treasury shall be made within three months after the decision of the Water Board. The salary, compensation, or annual allowance to which James William Restler, the engi-

Sect. 47. neer of the Southwark and Vauxhall Water Company, may become entitled under this Act, shall be calculated on the basis of the average amount received by him during the five years next before the passing of this Act by way of emoluments, salary, and percentage on the cost of new works. The compensation or annual allowance to which Walter Hunter, the engineer of the Grand Junction Waterworks Company, may become entitled under this Act, shall be two-thirds of the average amounts received by him for salary and emoluments during the five years next before the passing of this Act.

SUB-S. 8.

(9) If Sir William Crookes and Professor James Dewar, or either of them are, or is, immediately before the appointed day, employed in making examinations of and experiments as to the condition of water on behalf of the metropolitan water companies, they, or he, shall as from that date be transferred to the Water Board, and shall for the purpose of compensation be deemed existing officers or an existing officer within the meaning of this section.

(10) Every existing officer or existing servant not entitled to compensation under this section, who becomes incapable of discharging the duties of his office with efficiency, by reason of permanent infirmity of mind or body, or who has attained the age of sixty years, or who, having been in the service of a metropolitan water company for a period of not less than five years, is dismissed by the Water Board on any ground other than misconduct, shall, upon his resigning or otherwise ceasing to hold office, be entitled to a superannuation allowance upon the terms and conditions and according to the scale specified in the Superannuation (Metropolis) Act, 1866, as applied by this Act (c).

Sub-s. (1) (a) The provisions of this section are by Section 11 (7) extended to officers and servants of the Tottenham and Enfield Urban District Councils employed solely in connection with the water undertakings of those Councils.

Sub-s. (5) (b) With respect to the amount of compensation to which an officer is entitled whose office is abolished, or who relinquishes his office on being required to perform duties which are not analogous to or which are an unreasonable addition to those which he was, as an officer of a Company, required to perform, or who otherwise suffers any direct pecuniary loss in consequence of this Act, Section 120 of the Local Government Act, 1888, is applied (see Appendix A, *post*).

It will be seen, on reference to the provisions of that Section, that the Compensation awarded thereunder is not to exceed the amount which under the Acts and Rules relating to the Civil Service is paid to a person on abolition of office.

The practice of the Treasury under these Acts and Rules appears from the following Treasury note:—

"COMPENSATION TO CIVIL SERVANTS ON ABOLITION OF OFFICE."**Sect. 47.**

"The award of compensation allowances to established civil servants on the abolition of their offices is regulated by Section 7 of the Superannuation Act, 1859 (22 and 23 Vict. c. 26), which provides that:—

NOTE.
SUB-S. 5.

"It shall be lawful for the Commissioners of the Treasury to grant to any person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the department to which he belongs, by which greater efficiency and economy can be effected, such special annual allowance by way of compensation as, on a full consideration of the circumstances of the case, may seem to the said Commissioners to be a reasonable and just compensation for the loss of office; and if the compensation shall exceed the amount to which such person would have been entitled under the scale of superannuation provided by this Act, if ten years were added to the number of years which he may have actually served, such allowance shall be granted by special minute, stating the special grounds for granting such allowance, which minute shall be laid before Parliament, and no such allowance shall exceed two-thirds of the salary and emoluments of the office."

"In calculating allowances under this section, it is the practice of the Treasury to award as many sixtieths of the officer's emoluments as he has served complete years, with a special addition, on account of abolition of office, not exceeding the following scale, viz. :—

Actual service :—	Addition.
20 years or upwards	10/60
15 " and less than 20 years	7/60
10 " " 15 "	5/60
5 " " 10 "	3/60
Under 5 years	1/60

"When the duties of the situation have not been such as to require that the holder should give his whole time to the public service, such deduction is made from the amount of compensation allowance for which he would otherwise be qualified, as the Treasury may consider reasonable.*

"It must be observed that all awards under this section are at the absolute discretion of the Treasury, and are subject to modification if the Board consider that the circumstances of the particular case required it.

"Non-established civil servants who have been employed for not less than seven years in an employment to which they were required to devote their whole time, receive a gratuity not exceeding £1 or one week's pay (whichever is greater) for each year of service under Section 4 of the Superannuation Act of 1887.

"No gratuity can be granted to non-established civil servants whose duties have not required their whole time."

The Treasury, in deciding appeals under sub-section (4) of Section 120, have followed their ordinary practice in the case of civil servants.

The Treasury regard an ordinary form of appointment without conditions expressed as equivalent to the ordinary Civil Service tenure, and apply the ordinary compensation scale of the Superannuation Acts as shown above.

When the appointment is from week to week, month to month, or year to year, they limit the compensation to the amount of pay which would be earned in the interval between the officer's removal and the expiration of the period for which he is appointed.

It is believed that the foregoing account of the practice of the Treasury may be taken as being substantially correct.

* In practice the deduction is 25 per cent.

Sect. 47. Sub-ss. (8) (10) (c) For the Superannuation (Metropolis) Act, 1866, see NOTE. Appendix A, *post*. It is applied to the Water Board by Section 24 (4).

SUB-S. 8.

Compensation to directors.

48.—(1) The Water Board shall pay to each of the metropolitan water companies, by way of compensation for the loss of office sustained by such of the directors of the company as were in office both at the date of the publication of the notice for the Bill for this Act and on the appointed day, such sum as may be agreed upon between the Water Board and the company, or, in default of agreement, as may be determined by an arbitrator appointed by the Local Government Board.

(2) The sum paid to any company under this section shall be distributed amongst the directors entitled to compensation in such proportions as those directors, or a majority of them, determine.

See, in connection with the Directors of the New River Company, the provisions contained in Section 9 (5).

Compensation to auditor of companies' account.

49. The Water Board shall pay to the auditor of the accounts of the metropolitan water companies such annual or other sum by way of compensation for loss of office as the Local Government Board may think just.

See notes on Section 19, and the provisions of the Metropolis Water Act, 1871, Sections 37-40, relating to the Auditor of the accounts of the Companies (Appendix A, *post*).

Transitory provisions as to supply in bulk.

50. Until the quantity of water to be supplied to the council of a borough or urban district which under this Act ceases to be within the limits of supply (a) has been determined in accordance with the provisions of this Act, the Water Board shall supply to each council such quantity as the council may require, not exceeding three hundred and fifty gallons per diem for each supply within the borough or urban district, as ascertained from the register of supplies in existence at the appointed day (b), and the price to be paid for the water so supplied shall be a matter to be determined in accordance with the provisions of this Act relating to the price to be paid for water supplied in bulk to the council of a borough or district (c).

(a) See Sections 12, 13, and 14, and notes thereon.

(b) The language of this section would not appear to enable a Council to require water to be temporarily provided for a supply within the part of their district which at the passing of the Act was within the limits of a Metropolitan Water Company, if such supply was not in existence on the appointed day; though, under Section 13, the Council could, subject to discontinuance, if provided for in the agreement or award, require a permanent supply of water in bulk for such purpose. It would seem

having regard to the language of Section 14, that the present section can have no application in Hertfordshire; and, consequently, it would appear only to relate to Croydon or Richmond. **Sect. 50.**
NOTE.

(c) As to these provisions, see Sections 12 to 14, and notes thereon.

51.—(1) If any difficulty arises with respect to the establishment of the Water Board or to the appointment of the first members thereof or to the first meeting thereof, the Local Government Board may by order make any appointment or do anything which appears to them to be necessary or expedient for the proper establishment of the Water Board, and the proper holding of the first election and the first meeting. **Power of Local Government Board to remove difficulties.**

(2) Any such order may modify the provisions of this Act, so far as may appear to the Local Government Board necessary or expedient for carrying the order into effect.

52. Where the amount of the consideration for an undertaking transferred to the Water Board under this Act is not ascertained before the appointed day, the date of the final ascertainment of that amount shall, for the purposes of section twelve of the Finance Act, 1895 (which relates to stamp duty on property vested by Act of Parliament), be treated as the date of vesting. **Provisions as to stamp duty on transfer.**

53. All costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act incurred by the Local Government Board shall be repaid to that Board by the Water Board when established under this Act. **Costs of Act.**

SCHEDULES.

FIRST SCHEDULE.

METROPOLITAN WATER COMPANIES.

The Governor and Company of the New River brought from Chadwell and Amwell to London, commonly called the New River Company. **Schd. 1.**
Cf. Sect. 1 (1).

The East London Waterworks Company.

The Southwark and Vauxhall Water Company.

The Company of Proprietors of the West Middlesex Waterworks.

The Company of Proprietors of Lambeth Waterworks.

The Governor and Company of Chelsea Waterworks.

The Grand Junction Waterworks Company.

The Company of Proprietors of the Kent Waterworks.

The Staines Reservoirs Joint Committee.

SECOND SCHEDULE.

DESCRIPTION OF THE LIMITS OF SUPPLY.

Sched. 2. The parishes and places in which at the appointed day any of the metropolitan water companies are authorised to supply water, and the parishes of Sunbury and Chessington.

Cf. Sect.
1 (1).

Sunbury and Chessington are parishes in which Water Companies now supply water without having any statutory authority to do so.

The limits of supply may be varied by rural districts ceasing to be within the limits of supply under Section 13, and by any such rural district being re-included in the limits of supply on its becoming an urban district (see Section 26 (2), *supra*, and are also modified or liable to be modified by the operation of Sections 3, 11, 12, 14 (2), and 32-36, *supra*.

THIRD SCHEDULE.

CONSTITUTION AND PROCEEDINGS OF WATER BOARD.

Cf. Sect.
1 (5).

1. The chairman or vice-chairman need not be appointed from amongst the members of the Water Board, but if a member of the Board is appointed chairman or vice-chairman the appointment shall not create a casual vacancy.

2. A person shall be disqualified for being appointed or being a member of the Water Board if he—

- (a) holds any paid office under the Water Board save as permitted by this Act (a); or
- (b) is concerned in any bargain or contract entered into with the Water Board or participates in the profit of any such bargain or contract or of any work done under the authority of the Board :

Provided that a person shall not be disqualified for being appointed or being a member of the Board by reason of being interested—

- (a) in the sale or lease of any lands or in any loan of money to the Board, or in any contract with the Board for the supply from land, of which he is owner or occupier, of water, or materials for work done by or under the authority of the Board ; or
- (b) in any newspaper in which any advertisement relating to the affairs of the Board is inserted ; or
- (c) in any bargain or contract with the Board as a shareholder in any company ; but he shall not vote at any meeting of the Board on any question in which such company are interested.

3. A director of a metropolitan water company shall, until the compensation payable to the company is determined, be disqualified from being appointed or being a member of the Water Board. Schd. 3.

4. If a person appointed to be a member of the Water Board is a member of the Council or one of the Councils by whom he is appointed, he shall, if he ceases for two months to be a member of that Council, at the end of that period vacate his office as member of the Water Board.

5. The member appointed by the Conservators of the River Thames, shall be a Conservator appointed by the county councils of Gloucestershire and Wiltshire, or by the county councils of Oxfordshire, Berkshire, or Buckinghamshire, or by the council of the county borough of Oxford or Reading.

6. The members of the Water Board appointed by the Conservators of the River Thames and the Lee Conservancy Board shall not vote or act in respect of any question arising before the Water Board as regards the transfer of any undertaking to the Water Board under this Act.

7. A person shall be disqualified for being a member of the Board if he is convicted either on indictment or summarily of any crime, and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, or is adjudged bankrupt, or makes a composition or arrangement with his creditors.

8 (b). A member appointed by a constituent authority consisting of a group of councils shall be appointed by those councils acting through a joint committee.

9. Subject to any variation of representation according to the provisions of this Act (c) the joint committees for appointing members of the Water Board shall be constituted as follows :—

(i) The joint committee of the councils of the urban districts of Buckhurst Hill, Chingford, Loughton, Waltham Holy Cross, Wanstead, and Woodford shall consist of twelve members, of whom one shall be appointed by each of the councils of the urban districts of Buckhurst Hill, Chingford, and Loughton, two by the council of the urban district of Waltham Holy Cross, three by the council of the urban district of Wanstead, and four by the council of the urban district of Woodford.

(ii) The joint committee of the councils of the urban

Schd. 3.

- districts of Beckenham, Bromley, Chislehurst, Penge, Bexley, Dartford, Erith, and Footscray shall consist of twenty members, of whom four shall be appointed by each of the councils of the urban districts of Beckenham and Bromley, three by each of the councils of the urban districts of Erith and Penge, two by each of the councils of the urban districts of Bexley and Dartford, and one by each of the councils of the urban districts of Chislehurst and Footscray.
- (iii) The joint committee of the councils of the borough of Ealing and of the urban districts of Acton and Chiswick shall consist of eight members, of whom three shall be appointed by the council of the borough of Ealing, three by the council of the urban district of Acton, and two by the council of the urban district of Chiswick.
- (iv) The joint committee of the councils of the urban districts of Brentford, Hampton, Hampton Wick, Hanwell, Heston and Isleworth, Sunbury, Teddington, and Twickenham shall consist of twenty-one members, of whom one shall be appointed by each of the councils of the urban districts of Hampton Wick and Sunbury, two by each of the councils of the urban districts of Hampton and Hanwell, three by each of the councils of the urban districts of Brentford and Teddington, four by the council of the urban district of Twickenham, and five by the council of the urban district of Heston and Isleworth.
- (v) The joint committee of the councils of the urban districts of Edmonton, Enfield, and Southgate shall consist of five members, of whom two shall be appointed by each of the councils of the urban districts of Edmonton and Enfield and one by the council of the urban district of Southgate.
- (vi) The joint committee of the councils of the urban districts of Hornsey and Wood Green shall consist of seven members, of whom five shall be appointed by the council of the urban district of Hornsey and two by the council of the urban district of Wood Green.
- (vii) The joint committee of the councils of the borough of Kingston and the urban districts of East and

West Molesey, Esher and the Dittons, Ham, Schd. 3.
Surbiton, Barnes, the Maldens and Coombe, and
Wimbledon shall consist of thirty-three members,
of whom seven shall be appointed by the council
of the borough of Kingston, ten by the council of
the urban district of Wimbledon, four by each of
the councils of the urban districts of Barnes and
Surbiton, three by the council of the urban
district of Esher and the Dittons, two by each of
the councils of the urban districts of East and
West Molesey and the Maldens and Coombe, and
one by the council of the urban district of Ham.

10. A joint committee may act notwithstanding any vacancy in the committee, and notwithstanding that a council is wholly unrepresented thereon.

11 (*d*). The Local Government Board may make regulations as to the constitution, term of office, quorum, proceedings, officers, and place of meeting of a joint committee.

12 (*e*). Subject to the provisions of this schedule the term of office of chairman and of vice-chairman shall be three years, and the term of office of a member of the Board shall be three years.

13 (*e*). On the first day of June one thousand nine hundred and seven and on the first day of June in every third year thereafter, all the members of the Board shall go out of office, and their places shall be filled by new appointments, to be made at such time as may be prescribed by regulations made by the Local Government Board, but a person going out of office may, if otherwise qualified, be reappointed.

14. The first business at the first meeting of the Water Board after the first day of June one thousand nine hundred and seven, and at the first meeting after the first day of June in every third year thereafter shall be the new appointment of a chairman and vice-chairman, but a person going out of office may, if otherwise qualified, be re-appointed, and a chairman or vice-chairman shall continue in office until his successor is appointed.

15. If a member of the Water Board is absent from meetings of the Board for more than six months consecutively, except for some reason approved by the Water Board, he shall on the expiration of those months vacate his office, and shall also, if he is the chairman or vice-chairman, vacate his office as chairman or vice-chairman.

Schd. 3. 16. Where the chairman or vice-chairman or a member of the Water Board becomes disqualified for holding office or vacates his office from absence, or otherwise, the Board shall forthwith declare the office to be vacant, and shall notify the fact in such manner as they think fit, and thereupon the office shall become vacant.

17. On a casual vacancy occurring in the Water Board by reason of the death, resignation, disqualification, or absence of a member, or otherwise, the constituent authority by whom that member was appointed shall appoint another person in his place, and the person so appointed shall hold office until the time when the person in whose place he is appointed would have regularly gone out of office, and shall then go out of office.

18. On a vacancy occurring or being about to occur in the Water Board the clerk of the Water Board shall immediately give notice of the vacancy to the constituent authority by which the vacancy is to be filled, and on a person being appointed a member of the Water Board the appointing authority shall forthwith give notice of the appointment to the Water Board, or in the case of a first appointment to the Local Government Board.

19. On a casual vacancy occurring in the office of chairman or vice-chairman of the Water Board by reason of the death, resignation, disqualification, or absence of the chairman or vice-chairman, or otherwise, the person appointed in his place shall hold office until the time when the person in whose place he is appointed would regularly have gone out of office and shall then go out of office.

20. At every meeting of the Water Board, the chairman, if present, shall preside. If the chairman is absent, the vice-chairman, if present, shall preside. If both the chairman and vice-chairman are absent, such member of the Board as the members then present choose shall preside.

21 (f). Subject to the provisions of this Act, every question at a meeting of the Water Board shall be decided by a majority of votes of the members present and voting on that question, and in the case of equality of votes, the person presiding at the meeting shall have a second or casting vote.

22 (g). The quorum of the Water Board shall be one-third of the whole number of the Board.

23 (h). The Water Board may appoint, out of their own body, such and so many committees, either of a general or special nature, and consisting of such number of persons

as they think fit for any purposes which, in the opinion of the Board, would be better regulated and managed by means of committees, and may delegate, with or without any restrictions or conditions, as they may think fit, any of their powers or duties, except any power of raising money, to any committee of the Board so appointed, and the provisions of section eighty-two of the Local Government Act, 1888, with respect to proceedings of committees of county councils, shall apply to committees of the Water Board, as if they were committees of a county council. Sched. 3.

24. A minute of the proceedings of the Water Board, or of a committee thereof, signed at the same or the next ensuing meeting by a member of the Board describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

25. Until the contrary is proved, every meeting in respect of the proceedings whereof a minute has been so made shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and, where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matter referred to in the minutes.

26. Subject to the provisions of this Act, the Water Board may regulate their own procedure.

27. No act or proceeding of the Water Board shall be questioned on account of any vacancy in their body, or on account of the appointment of any member having been defective.

28 (i). The Local Government Board shall take such steps as may be necessary for constituting the Water Board as soon as may be after the passing of this Act, and for summoning the first meeting of the Water Board and regulating the proceedings thereat, and all authorities and persons shall comply with any instructions issued by the Local Government Board for that purpose, and any expenses incurred by the Local Government Board for the purpose aforesaid shall be repaid to that Board by the Water Board when established.

Para. 2 (a). "Save as permitted by this Act." It is conceived that these words apply to the case of the chairman or vice-chairman of the Board (Section 1 (4), *supra*). At any rate, there seems to be no other provision in the Act to which the phrase can refer.

Schd. 3.
NOTE.

Para. 8 (b). Members of Joint Committees of Grouped Councils must be themselves members of the Council appointing them. (See note on Section 1, sub-section (3), *supra*, and for definition of "constituent authority," see Section 37, *supra*.)

Para. 9 (c). "Subject to any variation of representation according to the provisions of this Act." See Section 26 (1), *supra*, which authorises such variation and an alteration in the total number of the Water Board.

Para. 11 (d). See Order and Memorandum of the Local Government Board [44, 911] of 9th January, 1903, and February, 1903, which are applicable to the appointments of Joint Committees for appointing members of the Water Board, and the tenure of office and procedure of such Committees. (For reprint of the Articles of this Order and Memorandum, see Appendix B, *post*.)

Paras. 12, 13 (e). It will be observed that the members of the first Water Board (elected in 1903), including the Chairman and Vice-chairman of the Board, will (subject to the occurrence of casual vacancies) remain in office until 1st June, 1907, when the whole will go out of office, and their places will be filled by new appointments, to be made at such time as may be prescribed by regulations made by the Local Government Board. The members appointed to the Water Board in 1907, and in every third year subsequently, will, subject to the occurrence of casual vacancies, remain in office for three years.

Para. 21 (f). "Subject to the provisions of this Act." See Sections 2 (3), 9 (4), and 11 (7).

Para. 22 (g). The whole number of the Water Board as constituted by this Act will vary from sixty-six to sixty-eight, according as the Chairman and Vice-chairman are or are not appointed from among the members of the Water Board (see note on Section 1, sub-section (3), *supra*). Should the total number not be exactly divisible by three, the quorum must presumably be not less than one-third of the whole number, *e.g.*, twenty-three members out of a total of sixty-seven or sixty-eight.

Para. 23 (h). Observe that the powers of Committees are not to extend to raising money, which must therefore be sanctioned by the Board as a whole (subject to the preceding paragraph 22 prescribing the number of a quorum). There seems to be nothing, however, to prevent a Committee from reporting in favour of raising money for any purpose, but any proposal for such purpose must subsequently be reported on by the Finance Committee of the Water Board constituted under Section 20 (3) of the Act. The Water Board may, under the provisions of the Local Government Act, 1888, Section 82, sub-section (1), Appendix A, *post*, which is made applicable to the Board, make, vary, and revoke regulations respecting the quorum and proceedings of its Committees, who (sub-section (2) of the same section) must report proceedings to the Water Board, but, if the Water Board so direct, need not submit them for the Board's approval, except in the case of finance.

Para. 28 (i). In pursuance of the powers conferred upon them by this paragraph, the Local Government Board have issued the Order [44,950] (dated 24th December, 1902, Appendix B, *post*) to Constituent Authorities other than Grouped Councils for the appointment of the first members of the Water Board. This Order is only in force until that appointment has been made. The Local Government Board has also issued the Order and Memorandum [44,911] dated 9th January, 1903, and February, 1903 (already referred to in the note on paragraph 11, *supra*), addressed to the several Councils grouped as Constituent Authorities under the Act, relating to Joint Committees for appointing members of the Water Board. Such Order and Memorandum contain regulations not only for the first appointment of members of Joint Committees, but also for the first and future triennial appointments of members of the Water Board, as well as other permanent regulations with respect to Joint Committees. (For reprint of the articles of the above Orders and Memorandum, see Appendix B, *post*. In connection with this paragraph, see Section 51.)

FOURTH SCHEDULE (a).

1. Within three months after the ascertainment of any compensation to which a metropolitan water company become entitled under this Act, in consideration for the transfer of their undertaking, the directors of the company shall prepare a scheme for the application and distribution thereof. Any such scheme shall provide for the payment and discharge of any liability which, under this Act, is to continue as a liability of the company (*b*), or is not otherwise provided for, and may provide for payment of any sum in consideration of loss of office, or in recognition of any special services rendered to the company (*c*). The directors shall send by post a copy of the scheme to each shareholder (which term also includes a stockholder or proprietor) of the company, and for the purposes of this section the persons appearing as shareholders in the books of the company shall be deemed to be shareholders and of the class there appearing, and any document shall be sufficiently sent to any shareholder by being posted to him at his address as appearing in the books of the company.

Sched. 4.

Cf. Sect.
29.

If within one month after the sending of the copies aforesaid any shareholder or shareholders the aggregate nominal value of whose shares (which term also includes stock) is not less than twenty thousand pounds, shall, by writing addressed to the secretary of the company, require that the scheme be submitted to a meeting of the shareholders, or (if there are more than one class of shareholders of the company) of the class to which such shareholder or shareholders belong, the directors shall forthwith summon such meeting, accordingly, by giving not less than fourteen days' notice thereof by post to each shareholder of the company, or to each shareholder of the class concerned, as the case may be. If a majority in value of the shareholders, or of the shareholders of a particular class, as the case may be, by resolution passed at such meeting, dissent from such scheme, the directors shall forthwith submit the matter by petition to the Chancery Division of the High Court, and the court shall, after hearing all proper parties, make such order as to the application and distribution of the compensation to which the company are entitled under this

Schd. 4. Act, as, under all the circumstances of the case, and having regard to the various interests of the parties and the nature of such interest, may be considered just and equitable. Any scheme not required to be submitted to a meeting of shareholders, or as to which no such resolution of dissent as aforesaid shall have been passed, and any order of court made hereunder, shall have effect as if the same were enacted by this Act, and shall be binding upon all persons affected thereby.

2. If any part of the compensation is to be discharged to a company in water stock the Water Board shall, if so required by the company, before the stock is issued to the company, instead of issuing to the company the whole of the water stock to be so issued to them issue the water stock to such amounts and to such persons as the company may require, and the issue of water stock in accordance with such requirements shall, to that extent discharge the Water Board of their liability to issue water stock to the company.

If any part of such compensation is to be discharged in cash, the receipt in writing of three directors of the company for any sum in gross to be paid by the Water Board to the company shall effectually discharge the Water Board from the sum expressed in such receipt to have been received and from being concerned to see to the application thereof, and from being answerable or accountable for the loss, misapplication, or non-application thereof.

3. Where any company are unable, after diligent inquiry, to find the person to whom any money is payable or water stock is issuable, or where any money or stock is payable or issuable to a person who or whose committee cannot give an effectual receipt for the same, such company may pay or transfer the same as nearly as may be in manner provided for payment of money into court by any Act for the time being in force for the relief of trustees, and such Act shall apply, with all necessary modifications, to such money or stock.

4. When such scheme has been completely carried out, and all such moneys or stock, if any, as in clause 3 of this schedule referred to, have been paid or transferred into court, the company may apply to the Board of Trade, which, if satisfied that the said time has arrived, shall give a certificate to that effect, and upon publication of such certificate in the London Gazette the company shall be dissolved.

(a) The provisions of this Schedule do not apply to the New River Company (see Section 29 (1) of the Act).

Schd. 4
NOTE.

(b) Under Section 40 (1) certain liabilities of the Company may, if the Court of Arbitration hold that they were not reasonably necessary to be incurred in the ordinary course of business, be continued as a liability of the Company and not be transferred to the Water Board.

(c) The payments made permissible by this provision to directors, officers, and servants of the Company, and to others who have rendered special services to the Company, would seem to be in addition to the compensation or other advantages secured to officers, directors, etc., by Sections 47-49 of the Act.

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	Cf. Sect. 38.
15 & 16 Vict. c. 84.	The Metropolis Water Act, 1852.	Sections fifteen, nineteen, twenty, twenty-one, twenty-two, and twenty-seven, so far as unrepealed.	
34 & 35 Vict. c. 113.	The Metropolis Water Act, 1871 (a).	Sections thirty-seven to forty-two and section forty-seven from "or to authorise" to the end of the section.	
47 & 48 Vict. c. cxli.	Croydon Corporation Act, 1884 (b).	Sections eleven and twelve.	

(a) The provisions of the Metropolis Water Act, 1871, relating to the auditor and the audit of the accounts of the Companies, are by Section 40 (2) to continue in force for the purposes of that sub-section, notwithstanding this repeal. For the sections of the Metropolis Water Acts, 1852 and 1871, hereby repealed, see Appendix A, *post*.

(b) Sections 11 and 12 of the Croydon Corporation Act, 1884, which are repealed, are as follows :—

"11. Nothing in this Act shall authorise the Corporation to supply water for domestic or trade purposes in any part of the Upper Norwood, South Norwood, or West wards of the borough at a greater distance than two miles from the town hall, but nothing in this Act shall restrain the Corporation from using water supplied from their own waterworks in any part of such wards for watering streets, flushing sewers, and other public and sanitary purposes.

"12. Such parts of the Upper Norwood, South Norwood, and West wards of the borough as are at a greater distance than two miles from the town hall shall be exempt from any assessment made for the purpose of defraying any of the expenses of the purchase of any land or of the execution of any works under the powers contained in this part of this Act, or for the purpose of paying any interest on or of repaying the capital of any money borrowed for the purpose of defraying any such expenses."

APPENDIX A.

WATERWORKS CLAUSES ACT, 1847.

App. A.

(10 Vict. c. 17.)

An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Waterworks for supplying Towns with Water.

[23d April 1847.]

WHEREAS it is expedient to comprise in One Act sundry Provisions usually contained in Acts of Parliament authorizing the Construction of Waterworks for supplying Towns with Water, and that as well for avoiding the Necessity of repeating such Provisions in each of the several Acts relating to such Undertakings as for ensuring greater Uniformity in the Provisions themselves: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall extend only to such Waterworks as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith, and all the Clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall be applicable to such Undertaking, and shall, with the Clauses of every other Act which shall be incorporated therewith, form Part of such Act, and be construed therewith as forming One Act.

Extent of Act.

And with respect to the Construction of this Act and any Act incorporated therewith, be it enacted as follows :

Interpretations in this Act:

2. The Expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter

"special Act:"

App. A. passed authorizing the Construction of Waterworks, and with which this Act shall be incorporated ; and the Word “prescribed” used in this Act in reference to any Matter herein stated shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act, and the Sentence in which such Word occurs shall be construed as if, instead of the Word “prescribed,” the Expression “prescribed for that Purpose in the special Act,” had been used ; and the Expression “the Lands and Streams” shall mean the Lands and Streams of Water which shall by the special Act be authorized to be taken or used for the Purposes thereof ; and the Expression “the Undertaking” shall mean the Waterworks, and the Works connected therewith, by the special Act authorized to be constructed ; and the Expression “the Undertakers” shall mean the Persons by the special Act authorized to construct the Waterworks.

Interpretations in this and the special Act : **3.** The following Words and Expressions, in both this and the special Act, and any Act incorporated therewith, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

Number : Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number :

Gender : Words importing the Masculine Gender shall include Females :

“Person : ” The Word “Person” shall include a Corporation, whether aggregate or sole :

“Lands : ” The Words “Lands” shall include Messuages, Lands, Tenements, and Hereditaments, or Heritages of any Tenure :

“Streams : ” The Word “Streams” shall include Springs, Brooks, Rivers, and other running Waters :

“Street : ” The Word “Street” shall include any Square, Court, or Alley, Highway, Lane, Road, Thoroughfare, or Public Passage or Place within the Limits of the special Act :

“the Water-works : ” The Expression “the Waterworks” shall mean the Waterworks, and the Works connected therewith, by the special Act authorized to be constructed :

“Water Rate : ” The Expression “Water Rate” shall include any Rent, Reward, or Payment to be made to the Undertakers for a Supply of Water :

- The Word "Month" shall mean Calendar Month : App. A.
- The Expression "Superior Courts," where the Matter "Month:"
submitted to the Cognizance of the Court arises in "Superior
England or Ireland, shall mean Her Majesty's Superior Courts :"
- Courts of Record at *Westminster* or *Dublin*, as the
Case may require, and shall include the Court of
Common Pleas of the County Palatine of *Lancaster*
and the Court of Pleas of the County of *Durham*, and
where such Matter arises in *Scotland* it shall mean the
Court of Session :
- The Word "Oath" shall include Affirmation in the Case "Oath :"
of Quakers, and any Declaration lawfully substituted
for an Oath in the Case of any other Persons allowed
by Law to make a Declaration instead of taking an
Oath :
- The Word "County" shall include Riding or other "County :"
Division of a County having a separate Commission
of the Peace, and in *Scotland* Stewartry, and any
Ward or other Division of a County or Stewartry
having a separate Sheriff, and it shall also include
County of a City or County of a Town :
- The Word "Justice" shall mean Justice of the Peace "Jus-
acting for the Place where the Matter requiring the tice :"
Cognizance of any such Justice arises; and if such
Matter arise in respect of Lands or Streams situated
not wholly in One Jurisdiction, shall mean a Justice
acting for the County or Place where any Part of such
Lands or Streams shall be situated; and where any
Matter is authorized or required to be done by Two
Justices, the Expression "Two Justices" shall be "Two Jus-
understood to mean Two or more Justices met and tices :"
acting together :
- The Word "Sheriff" shall mean the Sheriff Depute of "Sheriff :"
the County or Ward of a County in *Scotland* and the
Steward Depute of the Stewartry in *Scotland* in which
the Matter submitted to the Cognizance of the Sheriff
arises, and shall include the Substitutes of such Sheriff
Depute and Steward Depute respectively :
- The Expression "Quarter Sessions" shall mean Quarter "Quarter
Sessions as defined in the special Act, and if such Sessions:
Expression be not there defined it shall mean the
Court of General or Quarter Sessions of the Peace
which shall be held at the Place nearest to the
Waterworks, or the principal Office thereof, for the

App. A.

County or Place in which the Waterworks, or the principal Office thereof, is situate, or for some Division of such County having a separate Commission of the Peace :

"The
Town
Commis-
sioners :"

The Expression "the Town Commissioners" shall mean the Parties defined under that Title in the special Act, and where no such Parties shall be there defined shall mean the Commissioners, Trustees, or other Parties having the Control or Management of the Streets under any Act for paving or improving the Town or District to be supplied with Water under the special Act :

"Inspec-
tor."

The Word "Inspector" shall mean an Officer appointed under any local Act relating to the Town or District supplied with Water under the special Act, for the Purpose of inspecting or superintending Works connected with the Paving, Drainage, or Supply of Water of such Town or District, or an Officer appointed under any general Act for executing the like Duties with respect to such Town or District together with other Towns or Districts.

*Citing the
Act*

And with respect to citing this Act, or any Part thereof, be it enacted as follows :

Short Title
of this
Act.

4. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be enough to use the Expression "the Waterworks Clauses Act, 1847."

Form in
which
Portions
of this Act
may be
incor-
porated in
other Acts.

5. For the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be enough to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, and to enact that the Clauses so described, or that this Act with the Exception of the Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Clauses were set forth therein with reference to the Matter to which such Act relates.

*Construc-
tion of
Water-
works.*

And with respect to the Construction of the Waterworks, be it enacted as follows :

6. Where by the special Act the Undertakers shall be empowered, for the Purpose of constructing or supplying

Waterworks, to take or use any Lands or Streams otherwise than with the Consent of the Owners and Occupiers thereof, they shall, in exercising the Powers so given to them, be subject to the Provisions and Restrictions contained in this Act, and if the Waterworks be situated in *England* or *Ireland*, to the Provisions and Restrictions contained in the Lands Clauses Consolidation Act, 1845, and if the Waterworks be situated in *Scotland*, the Provisions and Restrictions contained in the Lands Clauses Consolidation, *Scotland*, Act, 1845; and shall make to the Owners and Occupiers of and all other Parties interested in any Lands or Streams taken or used for the Purposes of the special Act, or injuriously affected by the Construction or Maintenance of the Works thereby authorized, or otherwise by the Execution of the Powers thereby conferred, full Compensation for the Value of the Lands and Streams so taken or used, and for all Damage sustained by such Owners, Occupiers, and other Persons, by reason of the Exercise, as to such Lands and Streams, of the Powers vested in the Undertakers by this or the special Act, or any Act incorporated therewith; and except where otherwise provided by this or the special Act, the Amount of such Compensation shall be determined in the Manner provided by the said Lands Clauses Consolidation Acts respectively for determining Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof, and all the Provisions of the said last-mentioned Acts respectively shall be applicable to determine the Amount of any such Compensation, and to enforce Payment or other Satisfaction thereof.

App. A.
tion of
Water-
works to
be subject
to the Pro-
visions of
this Act
and the
Lands
Clauses
Consolida-
tion Acts,
1845.

7. If any Omission, Mis-statement, or wrong Description shall have been made of any Lands or Streams, or of the Owners, Lessees, or Occupiers of any Lands or Streams, described on the Plans or Books of Reference deposited in compliance with the Standing Orders of either House of Parliament, or in the Schedule to the special Act, the Undertakers, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands and Streams affected by such proposed Correction, may apply, in *England* or *Ireland*, to Two Justices, and in *Scotland* to the Sheriff, for the Correction thereof; and if it appear to such Justices or Sheriff that such Omission, Mis-statement, or wrong Description arose from Mistake, they or he shall certify the

Errors and
Omissions
in Plans,
etc., may
be corrected
by
Justices,
etc., who
shall cer-
tify the
same.

App. A. same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description ; and such Certificate, with the other Documents to which it relates, shall be deposited, in *England* or *Ireland*, with the Clerk of the Peace, and in *Scotland* with the Sheriff Clerk of the several Counties in which the Lands or Streams affected thereby are situated, or, where any such Lands or Streams are situated in a Royal Burgh in *Scotland*, with the Town Clerk of such Burgh ; and such Certificate shall be kept by such Clerks of the Peace, Sheriff Clerks, or Town Clerks respectively with the other Documents to which they relate ; and thereupon such Plan, Book of Reference, or Schedule shall be deemed to be corrected according to such Certificate ; and the Undertakers may make the Works in accordance with such Certificate, as if such Omission, Mis-statement, or wrong Description had not been made.

8. The Undertakers shall not begin to execute the Waterworks unless they shall have previously deposited with the Clerk of the Peace in *England* or *Ireland*, and the Sheriff Clerk in *Scotland*, of every County, and the Town Clerk of every Royal Burgh in *Scotland*, in which the Waterworks shall be situated, a Plan and Section of all such Alterations from the original Plan and Section (if any) as shall have been approved of by Parliament, on the same Scale and containing the same Particulars as the original Plan and Section of the Waterworks, and shall also have deposited with the Parish Clerks of the several Parishes in *England*, and the Clerks of the Unions of the several Parishes in *Ireland*, and the Schoolmasters of the several Parishes in *Scotland*, in which such Alterations shall have been authorized to be made, Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes respectively.

9. The said Clerks of the Peace, Sheriff Clerks, and Town Clerks, Parish Clerks, Clerks of Unions, and Schoolmasters, shall receive the said Plans and Sections of Alterations, and Copies and Extracts thereof respectively, and shall keep the same, as well as the said original Plans and Sections, and shall allow all Persons interested to inspect any of the Documents aforesaid, and to make Copies and Extracts of and from the same, in the like Manner and upon the like Terms, and under the like Penalty for

Default, as is provided in the Case of the original Plans and **App. A.**
 Sections by an Act passed in the First Year of the Reign 7 W. 4. & 1 Vict.
 of Her Majesty, intituled *An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody* c. 83.
of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.

10. Copies of the said Plans and Books of Reference, or of any Alteration or Correction thereof or Extracts therefrom, certified by any such Clerk of the Peace, Sheriff Clerk, or Town Clerk, which Certificate such Clerk shall give to all Parties interested, when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof. Copies of Plans and Alterations, etc., to be Evidence.

11. The Undertakers in constructing the Waterworks shall not deviate from the Line of the Works laid down in the said Plan more than the prescribed Number of Yards, and where no Number of Yards is prescribed not more than Ten Yards, nor in any Case to any greater Extent than the Line of lateral Deviation described in the said Plans with respect to such Works, nor take nor use, for the Purpose of such Deviation, the Lands of any Person not mentioned in the Books of Reference, without his previous Consent in Writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission happened from Mistake shall have been certified in manner herein-before provided. Not to deviate beyond Limits defined upon Plans, etc.

12. Subject to the Provisions and Restrictions in this and the special Act, and any Act incorporated therewith, the Undertakers may execute any of the following Works for constructing the Waterworks ; (that is to say,) Under-takers, subject to Provisions of this and the special Act, may execute the Works herein named.

They may enter upon any Lands and other Places described on the said Plans and in the said Books of Reference, and take Levels of the same, and set out such Parts thereof as they shall think necessary, and dig and break up the Soil of such Lands, and trench and sough the same, and remove or use all Earth, Stones, Mines, Minerals, Trees, or other Things dug or gotten out of the same :

They may from Time to Time sink such Wells or Shafts, and make, maintain, alter, or discontinue such Reservoirs, Waterworks, Cisterns, Tanks, Aqueducts, Drains,

App. A.**Construc-
tion of
Water-
works.**

Cuts, Sluices, Pipes, Culverts, Engines, and other Works, and erect such Buildings, upon the Lands and Streams authorized to be taken by them, as they shall think proper, for supplying the Inhabitants of the Town or District within the prescribed Limits with Water :

They may from Time to Time divert and impound the Water from the Streams mentioned for that Purpose in the special Act, or the said Plans or Books of Reference, and alter the Course of any such Streams, not being navigable, and also take such Waters as may be found in and under or on the Lands to be taken for constructing the Works :

Under-
takers to
make
Compensation for
Damages.

Provided always, that in the Exercise of the said Powers the Undertakers shall do as little Damage as can be, and in all Cases where it can be done shall provide other Watering Places, Drains, and Channels for the Use of adjoining Lands, in place of any such as shall be taken away or interrupted by them, and shall make full Compensation to all Parties interested for all Damage sustained by them through the Exercise of such Powers.

Penalty
for ob-
structing
Construc-
tion of
Works.

13. Every Person who shall wilfully obstruct any Person acting under the Authority of the Undertakers in setting out the Line of the Works, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of setting out the Line of such Works, or deface or destroy any Works made for the same Purpose, shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Penalty
for illeg-
ally
diverting
Water.

14. After the Streams or Supplies of Water hereby or by the special Act authorized to be taken by the Undertakers shall have been so taken, every Person who shall illegally divert or take the Waters supplying or flowing into the Streams so taken, or any Part thereof, or who shall do any unlawful Act whereby the said Streams or Supplies of Water may be drawn off or diminished in Quantity, and who shall not immediately repair the Injury done by him, on being required so to do by the Undertakers, so as to restore the said Waters to the State in which they were before such Act, shall forfeit to the Undertakers any Sum which shall be awarded, in *England* or *Ireland*, by Two Justices, and in *Scotland* by the Sheriff, not exceeding Five Pounds for every Day during which the said Supply of Water shall be diverted or diminished by reason of any Act done by or by

the Authority of such Person, and any Sum so forfeited shall be in addition to the Sum which he may be lawfully adjudged liable to pay to the Undertakers for any Damage which they may sustain by reason of their Supply of Water being diminished ; and the Payment of the Sum so forfeited shall not bar or affect the Right of the Undertakers to bring or raise an Action at Law against such Person for the Damage so committed.

App. A.

*Construc-
tion of
Water-
works.*

15. Provided always, That nothing herein contained shall prevent the Owners and Occupiers for the Time being of Lands through or by which such Streams shall flow from using the Waters thereof in such Manner and to such Extent as they might have done before the passing of the special Act, unless they shall have received Compensation in respect of their Right of so using such Water.

*Reserva-
tion of
existing
Rights.*

And with respect to the Construction of Works for the Accommodation of Lands adjoining the Waterworks, be it enacted as follows :

*Accommo-
dation
Works.*

16. Where by the special Act the Undertakers shall be required to erect any Works for making good the Interrup- tion caused to any Lands adjoining or near the Waterworks, or otherwise, for the Accommodation of such Lands, then if any Difference shall arise respecting the Construction of any such Accommodation Works, or the Kind or Size or Sufficiency thereof, or respecting the Maintenance thereof, the same shall be determined in *England or Ireland* by Two Justices, and in *Scotland* by the Sheriff, and such Justices or Sheriff shall also appoint the Time within which such Accommodation Works shall be begun and finished by the Undertakers.

*Differ-
ences as to
the Con-
struction
of Accom-
modation
Works to
be settled
by
Justices.*

17. If the Undertakers shall for Fourteen Days next after the Time appointed by such Justices or Sheriff, for the Beginning of any such Accommodation Works fail to begin such Works, or, having begun such Works, fail diligently to execute the same in a sufficient Manner, the Person aggrieved by such Failure may execute such Works or Repairs ; and the reasonable Expenses thereof shall, on Demand, be repaid by the Undertakers to the Person by whom the same shall so have been executed ; and if there be any Dispute about the Amount or Nature of such Expenses, the same shall be settled in *England or Ireland* by Two Justices, and in *Scotland* by the Sheriff.

*If Under-
takers fail
to execute
such
Works,
Persons
aggrieved
may per-
form the
same, and
charge the
Expense
to the Un-
dertakers.*

App. A. And with respect to Mines, be it enacted as follows :

Mines. 18. The Undertakers shall not be entitled to any Mines of Coal, Ironstone, Slate, or other Minerals under any Land purchased by them, except only such Parts thereof as shall be necessary to be dug or carried away or used in the Construction of the Waterworks, unless the same shall have been expressly purchased, and all such Mines, excepting as aforesaid, shall be deemed to be excepted out of the Conveyance of such Lands, unless they shall have been expressly named therein and conveyed thereby.

Map and Plan of underground Works of Undertakers to be made. 19. The Undertakers shall from Time to Time, within Six Months from the Time at which any Pipes, Conduits, or underground Works shall have been laid down or formed by them, cause a Survey and Map to be made of the District within which any such Pipes or underground Works shall be laid, on a Scale not less than One Foot to a Mile, and shall cause to be marked thereon the Course and Situation of all existing Pipes or Conduits for the Collection, Passage, or Distribution of Water and underground Works belonging to them, in order to show all such underground Works within the said District, and shall, within Six Months from the making of any Alterations or Additions, cause the said Map to be from Time to Time corrected, and such Additions made thereto as may show the Line and Situation of all such Pipes, Conduits, and underground Works as may be laid down or formed by them from Time to Time after the passing of the special Act, and such Map and Plan, or a Copy thereof, with the Date expressed thereon of the last Time when the same shall have been so corrected as aforesaid, shall be kept in the Office of the Undertakers, and shall be open to the Inspection of all Persons interested in the same within the said District.

Copies of such Map or Plan to be deposited with Clerk of the Peace, etc. 20. The Undertakers shall, from Time to Time, within Three Months from the Time at which any such Map or Plan, or any such Correction thereof or addition thereto, shall have been made as aforesaid, deposit with the Clerks of the Peace in *England* or *Ireland*, and with the Sheriff Clerks in *Scotland*, of every County, and the Town Clerk of every Burgh in *Scotland*, in which such District or any Part thereof may be situate, and also with the Parish Clerks of the several Parishes in *England*, and Clerks of the Union of the several Parishes in *Ireland*, and the Schoolmaster of the several Parishes in *Scotland*, in which such under-

ground Works shall be situate, Copies of the said Map or Plan, with all such Particulars, and all such Corrections and Additions as aforesaid, so far as relates to such Counties, Burghs, and Parishes respectively.

App. A.
Mines.

21. The said Clerks of the Peace, Sheriff Clerks, and Town Clerks, Parish Clerks, Clerks of the Union, and Schoolmasters shall receive the same Copies of the said Map and Plan respectively, and shall keep the same, and shall allow all Persons interested to inspect the same, and take Copies or Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of Maps and Plans deposited under an Act passed in the First Year of the Reign of Her Majesty, intituled *An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.*

Clerks of the Peace, etc., to receive and keep Copies of the Map, etc., and allow Inspection.

7 W. 4. &
1 Vict.
c. 83.

22. Except where otherwise provided for by Agreement between the Undertakers and other Parties, if the Owner, Lessee, or Occupier of any Mines or Minerals lying under the Reservoirs or Buildings belonging to the Undertakers, or under any of their Pipes or Works which shall be under Ground, and shall be described in the Map or Plan which shall be so kept and deposited as herein-before mentioned, or within the prescribed Distance, if any, and if no Distance be prescribed within Forty Yards therefrom, be desirous of working the same, such Owner, Lessee, or Occupier shall give the Undertakers Notice in Writing of his Intention so to do Thirty Days before the Commencement of working; and upon the Receipt of such Notice it shall be lawful for the Undertakers to cause such Mines to be inspected by any Person appointed by them for the Purpose, and if it appear to the Undertakers that the working of such Mines or Minerals is likely to damage the said Works, and if they be willing to make Compensation for such Mines to such Owner, Lessee, or Occupier thereof, then he shall not work the same; and if the Undertakers and such Owner do not agree as to the Amount of such Compensation the same shall be settled as in other Cases of disputed Compensation.

Mines lying near the Works not to be worked until Owners give Notice to Undertakers of their Intentions.

Upon Receipt of Notice, Undertakers may take the Mines, making Compensation to the Owners.

23. If before the Expiration of such Thirty Days the Undertakers do not state their Willingness to treat with

If Company unwilling to

App. A. such Owner, Lessee, or Occupier for the Payment of such Compensation, it shall be lawful for him to work the said Mines, and to drain the same, by means of Engines or otherwise, as if this Act and the special Act had not been passed, so that no wilful Damage be done to the said Works, and so that the said Mines be not worked in an unusual Manner ; and if any Damage or Obstruction be occasioned to the Works of the Undertakers by the working of such Mines in an unusual Manner the same shall be forthwith repaired or removed (as the Case may require), and such Damage made good, by the Owner, Lessee, or Occupier of such Mines or Minerals, and at his own Expense, and if such Repair or Removal be not forthwith done, or if the Undertakers shall so think fit, without waiting for the same to be done by such Owner, Lessee, or Occupier, it shall be lawful for the Undertakers to execute the same, and recover from such Owner, Lessee, or Occupier the Expense occasioned thereby by Action in any of the Superior Courts.

Owners to make good Damage occasioned by working the Mines in an unusual Manner.

24. If the working of any such Mines under the said Works of the Undertakers or within the above-mentioned Distance therefrom be prevented as aforesaid by reason of apprehended Injury to such Works, it shall be lawful for the respective Owners, Lessees, or Occupiers of such Mines to cut and make such and so many Airways, Headways, Gateways, or Water Levels through the Mines, Measures, or Strata the working whereof shall be so prevented as may be requisite to enable them to ventilate, drain, and work any Mines or Minerals on each or either Side thereof, but no such Airway, Headway, Gateway, or Water Level shall be of greater Dimensions or Sections than the prescribed Dimensions or Sections, and where no Dimensions are prescribed Eight Feet wide and Eight Feet high, nor shall the same be cut or made upon any Part of the said Works so as to injure the same.

Company to make Compensation to Owner, Lessee, or Occupier of Mines for Expenses incurred by reason of

25. Except where otherwise provided for by Agreement the Undertakers shall from Time to Time pay to the Owner, Lessee, or Occupier of any Mines of Coal, Ironstone, and other Minerals extending so as to lie on both Sides of any Reservoirs, Buildings, Pipes, Conduits, or other Works, all such additional Expenses and Losses as shall be incurred by such Owner, Lessee, or Occupier by reason of the Severance of the Lands over such Mines or Minerals by such Reservoirs or other Works, or of the continuous

working of such Mines or Minerals being interrupted as aforesaid, or by reason of the same being worked under the Restrictions contained in this or the special Act; and for any Mines or Minerals not purchased by the Undertakers which cannot be obtained by reason of making and maintaining the said Works, or by reason of such apprehended Injury from the working thereof as aforesaid; and if any Dispute or Question shall arise between the Undertakers and such Owner, Lessee, or Occupier as aforesaid touching the Price of such Minerals, the same shall be settled by Arbitration in such Manner as is provided by the Lands Clauses Consolidation Act if the Undertaking shall be situate in *England* or *Ireland*, and by the Lands Clauses Consolidation (*Scotland*) Act if the Undertaking shall be situate in *Scotland*.

App. A.
Mines being worked.

Disputes to be settled by arbitration.

26. For better ascertaining whether any such Mines are being worked or have been worked so as to damage the said Works it shall be lawful for the Undertakers, after giving Twenty-four Hours Notice in Writing, to enter upon any Lands through or near which the said Works are situate, and wherein any such Mines are being worked or are supposed so to be, and to enter into and return from any such Mines or the Works connected therewith, and for that Purpose it shall be lawful for them to make use of any Apparatus or Machinery belonging to the Owner, Lessee, or Occupier of such Mines, and to use all necessary Means for discovering the Distance from the said Works to the Parts of such Mines which are being worked or about to be worked.

Power to Company to enter and inspect the working of Mines, after giving Notice of the same.

27. Nothing in this or the special Act shall prevent the Undertakers from being liable to any Action or other legal Proceeding to which they would have been liable for any Damage or Injury done or occasioned to any Mines by means or in consequence of the Waterworks, in case the same had not been constructed or maintained by virtue of this Act or the special Act.

Nothing to prevent Undertakers from being able to Actions for Injury done to Mines.

And with respect to the breaking up of Streets for the Purpose of laying Pipes, be it enacted as follows :

Laying of Pipes.

28. The Undertakers, under such Superintendence as is herein-after specified, may open and break up the Soil and Pavement of the several Streets and Bridges within the Limits of the special Act; and may open and break up any

Power to break up Streets, etc., under Superin-

App. A. Sewers, Drains, or Tunnels within or under such Streets and Bridges, and lay down and place within the same Limits Pipes, Conduits, Service Pipes, and other Works and Engines, and from Time to Time repair, alter, or remove the same, and for the Purposes aforesaid remove and use all Earth and Materials in and under such Streets and Bridges, and do all other Acts which the Undertakers shall from Time to Time deem necessary for supplying Water to the Inhabitants of the District included within the said Limits, doing as little Damage as can be in the Execution of the Powers hereby or by the special Act granted, and making Compensation for any Damage which may be done in the Execution of such Powers.

Not to
enter on
private
Land
without
Consent.

29. Provided always, that nothing herein contained shall authorize or empower the Undertakers to lay down or place any Pipe, Conduit, Service Pipe, or other Work in any Land not dedicated to public Use without the Consent of the Owners and Occupiers thereof, except that the Undertakers at any Time may enter upon and lay or place any new Pipe in the Place of an existing Pipe in any Land wherein any Pipe hath been already lawfully laid down or placed in pursuance of this or the special Act, or any other Act of Parliament, and may repair or alter any Pipe so laid down.

Notice to
be served
on Persons
having
Control,
etc., before
breaking
up Streets
or opening
Drains.

30. Before the Undertakers open or break up any Street, Bridge, Sewer, Drain, or Tunnel, they shall give to the Persons under whose Control or Management the same may be, or to their Clerk, Surveyor, or other Officer, Notice in Writing of their Intention to open or break up the same, not less than Three clear Days before beginning such Work, except in Cases of Emergency arising from Defects in any of the Pipes or other Works, and then so soon as is possible after the Beginning of the Work, or the Necessity for the same shall have arisen.

Streets or
Drains
not to be
broken up
except
under
Superin-
tendence
of Persons
having
Control of
the same.

31. No such Street, Bridge, Sewer, Drain, or Tunnel shall, except in the Cases of Emergency aforesaid, be opened or broken up, except under the Superintendence of the Persons having the Control or Management thereof, or of their Officer, and according to such Plan as shall be approved of by such Persons or their Officer, or in case of any Difference respecting such Plan, then according to such Plan as shall be determined by Two Justices; and such Justices may, on the Application of the Persons having the Control or Management of

any such Sewer or Drain, or their Officer, require the Undertakers to make such temporary or other Works as they may think necessary for guarding against any Interruption of the Drainage during the Execution of any Works which interfere with any such Sewer or Drain : Provided always, that if the Persons having such Control or Management as aforesaid, and their Officer, fail to attend at the Time fixed for the opening of any such Street, Bridge, Sewer, Drain, or Tunnel, after having had such Notice of the Intention of the Undertakers as aforesaid, or shall not propose any Plan for breaking up or opening the same, or shall refuse or neglect to superintend the Operation, the Undertakers may perform the Work specified in such Notice without the Superintendence of such Persons, or their Officer.

App. A.
Laying of Pipes.

If Persons having the Control, etc., fail to superintend, Undertakers may perform the Work without them.

32. When the Undertakers open or break up the Road or Pavement of any Street or Bridge, or any Sewer, Drain, or Tunnel, they shall with all convenient Speed complete the Work for which the same shall be broken up, and fill in the Ground, and reinstate and make good the Road or Pavement, or the Sewer, Drain, or Tunnel, so opened or broken up, and carry away the Rubbish occasioned thereby, and shall at all Times whilst any such Road or Pavement shall be so opened or broken up cause the same to be fenced and guarded, and shall cause a Light sufficient for the warning of Passengers to be set up and kept thereagainst, every Night during which such Road or Pavement shall be continued open or broken up, and shall, after replacing and making good the Road or Pavement which shall have been so broken up, keep the same in good Repair for Three Months thereafter, and such further Time, if any, not being more than Twelve Months in the whole, as the Soil so broken up shall continue to subside.

Streets, etc., broken up to be re-instated without Delay.

33. If the Undertakers open or break up any Street or Bridge, or any Sewer, Drain, or Tunnel, without giving such Notice as aforesaid, or in a Manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other Works as aforesaid, when so required, except in the Cases in which the Undertakers are authorized to perform such Works without any Superintendence or Notice, or if the Undertakers make any unnecessary Delay in completing any such Work, or in filling in the Ground, or reinstating and

Penalty for Delay in reinstating Streets, etc.

App. A. making good the Road or Pavement or the Sewer, Drain, or Tunnel, so opened or broken up, or in carrying away the Rubbish occasioned thereby, or if they neglect to cause the Place where such Road or Pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the Road or Pavement in repair for the Space of Six Months next after the same is made good, or such further Time as aforesaid, they shall forfeit to the Persons having the Control or Management of the Street, Bridge, Sewer, Drain, or Tunnel in respect of which such Default is made a Sum not exceeding Five Pounds for every such Offence, and an additional Sum of Five Pounds for each Day during which any such Delay as aforesaid shall continue after they shall have received Notice thereof.

In case of Delay, other Parties may re-instate and recover the Expenses. **34.** If any such Delay or Omission as aforesaid shall take place the Persons having the Control or Management of the Street, Bridge, Sewer, Drain, or Tunnel in respect of which such Delay or Omission shall take place may cause the Work so delayed or omitted to be executed, and the Expense of executing the same shall be repaid to such Persons by the Undertakers, and such Expenses may be recovered in the same Way as Damages are recoverable under this and the special Act.

Supply of Water. And with respect to the Supply of Water to be furnished by the Undertakers, be it enacted as follows :

A Constant Supply of Water to be kept for domestic Purposes at high Pressure. **35.** The Undertakers shall provide and keep in the Pipes to be laid down by them a Supply of pure and wholesome Water, sufficient for the domestic Use of all the Inhabitants of the Town or District within the Limits of the special Act, who, as herein-after provided, shall be entitled to demand a Supply, and shall be willing to pay Water Rate for the same ; and such Supply shall be constantly laid on at such a Pressure as will make the Water reach the top Story of the highest Houses within the said Limits, unless it be provided by the special Act that the Water to be supplied by the Undertakers need not be constantly laid on under Pressure ; and the Undertakers shall cause Pipes to be laid down and Water to be brought to every Part of the Town or District within the Limits of the special Act whereunto they shall be required by so many Owners or Occupiers of Houses in that Part of the Town or District, as that the aggregate Amount of Water Rate payable by them annually at the Rates specified in the special

Act shall be not less than One Tenth Part of the Expense of providing and laying down such Pipes ; provided that no such Requisition shall be binding on the Undertakers unless such Owners or Occupiers shall severally execute an Agreement binding themselves to take such Supply of Water for Three successive Years at least. **App. A.**
Supply of Water.

36. If for Twenty-eight Days after Demand in Writing made to the Undertakers, and Tender made of an Agreement, signed by such Number of Owners or Occupiers as aforesaid, to take and pay for a Supply of Water for Three Years or more, the Undertakers shall refuse or neglect to lay down Pipes in the Manner herein-before directed, and to provide such Supply of Water as aforesaid or as provided by the special Act, they shall forfeit to each of such Owners and Occupiers the Amount of Rate which he would be liable to pay under such Agreement, and also the further Sum of Forty Shillings for every Day during which they shall refuse or neglect to lay down such Pipes, or to provide such Supply of Water : Provided always, that the Undertakers shall not be liable to any Penalty for not supplying Water if the Want of such Supply shall arise from Frost, unusual Drought, or other unavoidable Cause or Accident. **Penalty for Neglect to lay Pipes for Supply of Water for domestic Use.**
Proviso.

37. In all the Pipes to which any Fire-plug shall be fixed the Undertakers shall provide and keep constantly laid on, unless prevented by Frost, unusual Drought, or other unavoidable Accident, or during necessary Repairs, a sufficient Supply of Water for the following Purposes ; (that is to say,) for cleansing the Sewers and Drains, for cleansing and watering the Streets, and for supplying any public Pumps, Baths, or Wash-houses that may be established for the free Use of the Inhabitants, or paid for out of any Poor Rates or Borough Rates levied within the limits of the special Act ; and such Supply shall be provided at such Rates, in such Quantities, and upon such Terms and Conditions as may be agreed upon by the Town Commissioners and the Undertakers, or, in case of Disagreement, as shall be settled in *England* or *Ireland* by Two Justices, and in *Scotland* by the Sheriff, until in either Case an Inspector shall have been appointed, and after the Appointment of such Inspector, by the Inspector so appointed. **Supply of Water to be kept for cleansing Sewers, Drains, etc., and for other public Purposes.**

38. The Undertakers, at the Request of the Town Commissioners, shall fix proper Fire-plugs in the Main and other Pipes belonging to them, at such convenient Distances, Under- **Fire-plugs.**

App. A. not being more than the prescribed Distance, or, if no Distance be prescribed, not more than One hundred Yards from each other, and at such Places as may be most proper and convenient for the Supply of Water for extinguishing any Fire which may break out within the Limits of the special Act; and in case of any Difference of Opinion as to the proper Position or Number of such Fire-plugs, it shall be settled by such Inspector as aforesaid, when appointed, and in the meantime by Two Justices in *England* or *Ireland*, and by the Sheriff in *Scotland*.

Under-takers to repair Fire-plugs and deposit Keys thereof at Engine Houses, etc. **39.** The Undertakers shall from Time to Time renew and keep in effective Order every such Fire-plug; and as soon as any such Fire-plug is completed they shall deposit a Key thereof at each Place within the Limits of the special Act where any public Fire Engine is kept, and in such other Places as may be appointed by the Town Commissioners, and shall put up a public Notice in some conspicuous Place in each Street in which such Fire-plug is situated showing its Situation, which Notice the Undertakers may put up on any House or Building in such Street.

Expense of Fire-plugs, etc., how to be borne. **40.** The Cost of such Fire-plugs, and the Expense of fixing, placing, and maintaining the same in repair, and of providing such Keys as aforesaid, shall be defrayed by the Town Commissioners.

Fire-plugs to be placed near Manufactories at Request etc., of Owners. **41.** The Undertakers shall, at the Request and Expense of the Owner or Occupier of any Work or Manufactory situated in any Street in which there shall be a Pipe of the Undertakers, place and maintain in effective Order a Fire-plug (to be used only for extinguishing Fires) as near as conveniently may be to such Work or Manufactory.

Pipes to be kept charged, and Water taken to extinguish Fires without Charge. **42.** The Undertakers shall at all Times keep charged with Water, under such Pressure as aforesaid, all their Pipes to which Fire-plugs shall be fixed, unless prevented by Frost, unusual Drought, or other unavoidable Cause or Accident, or during necessary Repairs, and shall allow all Persons at all Times to take and use such Water for extinguishing Fire, without making Compensation for the same.

Penalty for Refusal to fix, etc., **43.** If, except when prevented as aforesaid, the Undertakers neglect or refuse to fix, maintain, or repair such Fire-plugs, or to furnish to the Town Commissioners a

sufficient Supply of Water for the public Purposes aforesaid, **App. A.**
 upon such Terms as shall have been agreed on or settled
 as aforesaid, or if, except as aforesaid, they neglect to keep
 their Pipes charged under such Pressure as aforesaid, or
 neglect or refuse to furnish to any Owner or Occupier
 entitled under this or the special Act to receive a Supply
 of Water during any Part of the Time for which the Rates
 for such Supply have been paid or tendered, they shall be
 liable to a Penalty of Ten Pounds, and shall also forfeit
 to the Town Commissioners, and to every Person having
 paid or tendered the Rate, the sum of Forty Shillings for
 every Day during which such Refusal or Neglect shall
 continue after Notice in Writing shall have been given to
 the Undertakers of the Want of Supply.

Fire-plugs, or occasional Failure of Supply of Water.

And with respect to the Communication Pipes to be laid
 by the Undertakers, be it enacted as follows :

Pipes to be laid by the Undertakers.

44. The Undertakers shall, upon the Request of the
 Owner of any Dwelling House in any Street in which Pipes
 shall have been laid down by them, the annual Value of
 which House shall not exceed Ten Pounds, or upon Request
 of the Occupier, with the Consent in Writing of the Owner
 or reputed Owner of any such House, or of the Agent of
 such Owner, and upon Payment or Tender of the Proportion
 of Water Rate in respect of such House by this or the
 special Act made payable in advance, lay down Communi-
 cation Pipes and other necessary Works for the Supply of
 such House with Water for domestic or other Purposes,
 and shall keep the same in repair, and thereupon the
 Occupier of such House shall be entitled to have a sufficient
 Supply of Water for his domestic Purposes from the Under-
 takers ; and the Undertakers may charge for such Pipes
 and Works, in addition to the Water Rate, such reasonable
 annual Rent as shall be agreed upon, or, in case of Dispute,
 as shall be settled by such Inspector as aforesaid, when
 appointed, and in the meantime as shall in *England* or
Ireland be settled by Two Justices, and in *Scotland* by the
 Sheriff ; and such Rent shall be chargeable on and recover-
 able from the Occupier, or, in his Default, from the Owner
 of such House, at the same Times and in the same Manner
 as Water Rates ; and such Pipes and other Works shall
 not be subject to Distress or to the Landlord's Hypothec
 for Rent, nor to be taken in Execution under any Process
 of a Court of Law or Equity, or under any Fiat or Seques-

Under-takers to lay down Communication Pipes on Request of Occupier and with Consent of Owners in Houses of limited Value.

App. A. *Pipes to be laid by the Undertakers.* tration in Bankruptcy, against such Occupier or against such Owner, unless he shall have become the Proprietor of the said Pipes and Works under the Provisions herein-after contained.

Penalty on Undertakers for Refusal to lay Communication Pipes. **45.** If, upon such Request and Consent, and upon Tender or Payment of such Proportion of Rate as aforesaid, the Undertakers for Seven Days neglect or refuse to lay down such Communication Pipes or other Works, they shall be liable to forfeit to the Person so making such Request the Sum of Five Pounds, and a further Sum of Forty Shillings for every Day during which such Refusal or Neglect shall continue after Seven Days from the making of such Request and Tender as aforesaid.

Undertakers to be at liberty to remove Pipes, and recover Expenses of Owners or Occupiers. **46.** If the Occupier for the Time being of the House in which any such Communication Pipes or other Works and Engines shall have been laid down by the Undertakers refuse to pay for a Supply of Water, or if such House be unoccupied for Twelve Months, the Undertakers may demand from the Owner thereof Payment of the Amount of the Principal Money invested by them in providing and laying down such Communication Pipes and other Works and Engines; and if such Owner, after Ten Days Notice given to him by the Undertakers, neglect or refuse to pay such Principal Money, the Undertakers may enter the House and remove such Pipes and other Works; and the Balance of such Principal Money, after deducting the Value of such Pipes and other Works, with all Arrear of Rent for such Pipes and Works, shall, in default of Payment, be recovered, with the Costs incurred, from the Owner or from the Occupier for the Time being in the same Manner as Water Rates are directed by this or the special Act to be recovered: Provided always, that no greater Sum shall be recovered from any such Occupier than the Amount of Rent for the Time being owing by him unless he refuse to discover the Amount of Rent owing by him; and that every such Occupier shall be entitled to deduct from the Amount of Rent payable by him the Sum so recovered from him, or which he shall have paid on Demand.

Owner to be at liberty to pur- **47.** The Owner or reputed Owner of any House where any such Communication Pipes or other Works shall have been laid down by the Undertakers may at any Time pay

off the Amount then due to the Undertakers in respect of **App. A.** the Costs of providing and laying down such Pipes and Works, and all Rent at that Time due in respect thereof, chase the Pipes. and thereupon such Pipes and Works shall become the Property of such Owner, and all further Rent in respect thereof shall cease to accrue to the Undertakers.

And with respect to the Communication Pipes to be laid Pipes to be laid by the Inhabitants. by the Inhabitants, be it enacted as follows :

48. Any Owner or Occupier of any Dwelling House or Part of a Dwelling House within the Limits of the special Act who shall wish to have Water from the Waterworks of the Undertakers brought into his Premises, and who shall have paid or tendered to the Undertakers the Portion of Water Rate in respect of such Premises by this or the special Act directed to be paid in advance, may open the Ground between the Pipes of the Undertakers and his Premises, having first obtained the Consent of the Owners and Occupiers of such Ground, and lay any Leaden or other Pipes from such Premises, to communicate with the Pipes of the Undertakers, such Pipes to be of a Strength and Material to be approved by the Undertakers, or, in case of Dispute, to be settled in *England* or *Ireland* by Two Justices, and in *Scotland* by the Sheriff, or in either Case by the Inspector to be appointed as aforesaid : Provided always, that every such Owner or Occupier shall, before he begins to lay any such Pipe, give to the Undertakers Fourteen Days Notice of his Intention to do so. Power to Inhabitants to lay Service Pipes, giving the Undertakers Notice of the same.

49. Before any Pipe is made to communicate with the Pipes of the Undertakers, the Person intending to lay such Pipe shall give Two Days Notice to the Undertakers of the Day and Hour when such Pipe is intended to be made to communicate with the Pipes of the Undertakers ; and every such Pipe shall be so made to communicate under the Superintendence and according to the Directions of the Surveyor or other Officer appointed for that Purpose by the Undertakers, unless such Surveyor or Officer fail to attend at the Time mentioned in the said Notice ; and in case of any Dispute as to the Manner in which such Pipe shall be so made to communicate, it shall in *England* or *Ireland* be settled by Two Justices, and in *Scotland* by the Sheriff, or in either Case by the Inspector to be appointed as aforesaid. Communication with the Pipes of the Undertakers to be made under the Superintendence of their Surveyor. As to the Settling of Disputes

App. A.

Bore of
Service
Pipes.

50. The Bore of any such Pipe as last aforesaid shall not exceed the prescribed Limits, and where no Limit shall be prescribed it shall not exceed Half an Inch, except with the Consent of the Undertakers.

Service
Pipes
may be
removed
after
giving
Notice of
the same.

51. Any Person who shall have laid down any Pipe or other Works, or who shall have become the Proprietor thereof, may remove the same, after having first given Six Days Notice in Writing to the Undertakers of his Intention so to do, and of the Time of such proposed Removal, and every such Person shall make Compensation to the Undertakers for any Injury or Damage to their Pipes or Works which may be caused by such Removal; and every Person who shall remove any such Pipe or other Works without giving such Notice as aforesaid shall forfeit to the Undertakers a Sum not exceeding Five Pounds, over and above the Damage which he may be found liable to pay in any Action at Law, at the Suit of the Undertakers, for the Damage done to their Pipes or Works.

Penalty on
removing
Pipes
without
Notice.

Power to
Inhabit-
ants to
break up
Pave-
ments,
giving
Notice of
the same.

52. Any such Owner or Occupier may open or break up so much of the Pavement of any Street as shall be between the Pipe of the Undertakers and his House, Building, or Premises, and any Sewer or Drain therein, for any such Purpose as aforesaid, doing as little Damage as may be, and making Compensation for any Damage done in the Execution of any such Work: Provided always, that every such Owner or Occupier desiring to break up the Pavement of any Street, or any Sewer or Drain therein, shall be subject to the same Necessity of giving previous Notice, and shall be subject to the same Control, Restriction, and Obligations in and during the Time of breaking up the same, and also reinstating the same, and to the same Penalties for any Delay in regard thereto, as the Undertakers are subject to by virtue of this or the special Act.

Owners or
Occupiers
entitled to
demand a
Supply of
Water for
domestic
Purposes.

53. Every Owner and Occupier of any Dwelling House, or Part of a Dwelling House within the Limits of the special Act shall, when he has laid such Communication Pipes as aforesaid, and paid or tendered the Water Rate payable in respect thereof, according to the Provisions of this and the special Act, be entitled to demand and receive from the Undertakers a sufficient Supply of Water for his domestic Purposes.

And with respect to Waste or Misuse of the Water supplied by the Undertakers, be it enacted as follows : **App. A.**

*Protection
of Water.*

54. If by the special Act it be provided that the Water to be supplied by the Undertakers need not be constantly laid on under Pressure, every Person supplied with Water shall, when required by the Undertakers, provide a proper Cistern to hold the Water with which he shall be so supplied with a Ball and Stop Cock in the Pipe bringing the Water from the Works of the Undertakers to such Cistern, and shall keep such Cistern, Ball and Stop Cock in good Repair, so as effectually to prevent the Water from running to waste ; and in case any such Person shall, when required by the Undertakers, neglect to provide such Cistern, Ball or Stop Cock, or to keep the same in good Repair, the Undertakers may cut off the Pipe or turn off the Water from the Premises of such Person until such Cistern and Ball and Stop Cock shall be provided or repaired, as the Case may require.

Persons
using the
Water to
provide
Cisterns
and Cocks,

Penalty
for
Neglect.

55. Every Person supplied with Water by the Undertakers who shall suffer any such Cistern, Pipe, Ball or Stop Cock to be out of repair, so that the Water supplied to him by the Undertakers shall be wasted, shall forfeit to the Undertakers for every such Offence a Sum not exceeding Five Pounds.

Penalty
for suffer-
ing Cis-
tern, etc.,
to be out
of repair.

56. The Undertakers may repair any such Cistern, Pipe, Ball or Stop Cock, so as to prevent any such Waste of Water, and the Expenses of such Repair shall be repaid to them by the Person so allowing the same to be out of repair, and may be received as Damages.

Under-
takers
may repair
Cisterns,
etc., and
recover
the
Expenses.

57. The Surveyor, or any other Person acting under the Authority of the Undertakers, may, between the Hours of Nine of the Clock in the Forenoon and Four of the Clock in the Afternoon, enter into any House or Premises supplied with Water by virtue of this or the special Act in order to examine if there be any Waste or Misuse of such Water ; and if such Surveyor or other Person at any such Time be refused Admittance into such Dwelling House or Premises for the Purpose aforesaid, or be prevented from making such Examination as aforesaid, the Undertakers may turn off the Water supplied by them from such House or other Premises.

Power to
Surveyor
employed
by Under-
takers to
enter
Houses to
inspect,
etc.

App. A. **58.** Every Owner or Occupier of any Tenement supplied with Water under this or the special Act who shall supply to any other Person or wilfully permit him to take any such Water from any Cistern or Pipe in such Tenement, unless for the Purpose of extinguishing any Fire, or unless he be a Person supplied with Water by the Undertakers, and the Pipes belonging to him be, without his Default, out of repair, shall forfeit to the Undertakers for every such Offence a Sum not exceeding Five Pounds.

Penalty for taking the Undertakers Water without Agreement. **59.** Every Person who, not having agreed to be supplied with Water by the Undertakers, shall take any Water from any Reservoir, Watercourse, or Conduit belonging to the Undertakers, or any Pipe leading to any such Reservoir, Watercourse, or Conduit, or from any Cistern or other like Place containing Water belonging to the Undertakers, other than such as may have been provided for the gratuitous Use of the Public, shall forfeit to the Undertakers for every such Offence a Sum not exceeding Ten Pounds.

Penalty for destroying Valves, etc. **60.** Every Person who shall wilfully or carelessly break, injure, or open any Lock, Cock, Valve, Pipe, Work, or Engine belonging to the Undertakers, or shall flush or draw off the Water from the Reservoirs or other Works of the Undertakers, or shall do any other wilful Act whereby such Water shall be wasted, shall forfeit to the Undertakers for every such Offence a Sum not exceeding Five Pounds.

Fouling the Water. And with respect to the Provisions for guarding against fouling the Water of the Undertakers, be it enacted as follows :

Penalties for causing the Water of the Undertakers to be fouled, etc. **61.** Every Person who shall commit any of the Offences next herein-after enumerated shall for every such Offence forfeit to the Undertakers a Sum not exceeding Five Pounds ; (that is to say,)

Every Person who shall bathe in any Stream, Reservoir, Aqueduct, or other Waterworks belonging to the Undertakers, or wash, throw, or cause to enter therein any Dog or other Animal :

Every Person who shall throw any Rubbish, Dirt, Filth, or other noisome Thing into any such Stream, Reservoir, Aqueduct, or other Waterworks as aforesaid, or wash or cleanse therein any Cloth, Wool, Leather, or Skin of any Animal, or any Clothes or other Thing :

Every Person who shall cause the Water of any Sink, Sewer, or Drain, Steam Engine, Boiler, or other filthy Water belonging to him or under his Control, to run or be brought into any Stream, Reservoir, Aqueduct, or other Waterworks belonging to the Undertakers, or shall do any other Act whereby the Water of the Undertakers shall be fouled: App. A.
Fouling the Water.

And every such Person shall forfeit a further Sum of Twenty Shillings for each Day (if more than One) that such last-mentioned Offence shall be continued.

62. Every Person making or supplying Gas within the Limits of the special Act who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, or Waterworks belonging to the Undertakers, or into any Drain communicating therewith, any Washing or other Substance which shall be produced in making or supplying Gas, or who shall wilfully do any Act connected with the making or supplying of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks shall be fouled, shall forfeit to the Undertakers for every such Offence the Sum of Two hundred Pounds; and such Penalty shall be recovered, with full Costs of Suit, in any of the Superior Courts; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it has ceased. Penalty for permitting Substances produced in making Gas to flow into the Undertakers Works.

Penalty to be sued for within Six Months.

63. In addition to the said Penalty of Two hundred Pounds, and whether such Penalty have been recovered or not, the Person making or supplying Gas as aforesaid shall forfeit to the Undertakers the Sum of Twenty Pounds, to be recovered in like Manner for each Day during which such Washing or Substance shall be brought or shall flow as aforesaid, or during which the Act shall continue by which such Water is fouled, after the Expiration in either Case of Twenty-four Hours from the Time when Notice of the Offence has been served on such Person by the Undertakers. Daily Penalty during the Continuance of the Offence.

64. Whenever the Water supplied by the Undertakers shall be fouled by the Gas of any Person making or supplying Gas within the Limits of the special Act, such Person shall forfeit to the Undertakers for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for each Day during which Penalty on Gas Makers causing Water to be fouled.

App. A. the Offence shall continue after the expiration of Twenty-four Hours from the Service of Notice of such Offence.

Power to examine Gas Pipes, to ascertain Cause of Water being fouled.

65. For the Purpose of ascertaining whether the Water of the Undertakers be fouled by the Gas of any Person making or supplying Gas within the Limits of the special Act, the Undertakers may dig up the Ground, and examine the Pipes, Conduits, and Works of the Persons making or supplying Gas ; provided that before proceeding so to dig and examine the Undertakers shall give Twenty-four Hours Notice in Writing to the Person so making or supplying Gas of the Time at which such digging and Examination is intended to take place, and they shall give the like Notice to the Persons having the Control or Management of the Pavements or Place where such digging shall take place, and they shall be subject to the like Obligation of reinstating the Road and Pavement, and to the same Penalties for Delay, or any Nonfeasance or Misfeasance therein, as herein-before provided with respect to Roads and Pavements broken up by them for laying their Pipes.

The Expenses to abide the Result of the Examination.

66. If upon such Examination it appear that such Water has been fouled by any Gas belonging to such Person, the Expenses of the digging, Examination, and Repair of the Street or Place disturbed in any such Examination shall be paid by the Person making or supplying Gas ; but if upon such Examination it appear that the Water has not been fouled by the Gas of such Person, then the Undertakers shall pay all the Expenses of the Examination and Repair, and also make good to the said Person any Injury which may be occasioned to his Works by such Examination.

How Expense to be ascertained.

67. The Amount of the Expenses of every such Examination and Repair, and any Injury done to the Undertakers, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as Damages for the ascertaining and Recovery whereof no special Provision is made are directed to be ascertained and recovered.

Water Rates.

And with respect to the Payment and Recovery of the Water Rates, be it enacted as follows :

Rates to be payable according to the

68. The Water Rates, except as herein-after and in the special Act mentioned, shall be paid by and be recoverable from the Person requiring, receiving, or using

the Supply of Water, and shall be payable according to the **App. A.** annual Value of the Tenement supplied with Water, and if any Dispute arise as to such Value the same shall be determined by Two Justices. annual Value of the Premises.

69. When several Houses or Parts of Houses in the separate Occupation of several Persons are supplied by one common Pipe, the several Owners or Occupiers of such Houses or Parts of Houses shall be liable to the Payment of the same Rates for the Supply of Water as they would have been liable to if each of such several Houses or Parts of Houses had been supplied with Water from the Works of the Undertakers by a separate Pipe. Where several Houses supplied by one Pipe, each to pay.

70. The Rates shall be paid in advance by equal quarterly Payments, in *England or Ireland*, at *Christmas Day, Lady Day, Midsummer Day, and Michaelmas Day*, and in *Scotland* at *Martinmas, Candlemas, Whitsuntide, and Lammas*, and the first Payment shall be made at the Time when the Pipe by which the Water is supplied is made to communicate with the Pipes of the Undertakers, or at the Time when the Agreement to take Water from the Undertakers is made. Rates to be paid quarterly.

71. The Occupier of any Dwelling House or Part of a Dwelling House liable to the Payment of any Water Rate, who shall give Notice of his Intention to discontinue the Use of the Water supplied by the Undertakers, or who shall remove from his Dwelling between any Two quarterly Days of Payment, shall pay the Water Rate in respect of such Dwelling House or Part of a Dwelling House for the Quarter ending on the quarterly Day of Payment next after his quitting the same or giving such Notice. Parties giving Notice to discontinue Use of Water, or removing, to pay to the next Quarter Day.

72. The Owners of all Dwelling Houses or Parts of Dwelling Houses occupied as separate Tenements, the annual Value of which Houses or Tenements shall not exceed the Sum of Ten Pounds, shall be liable to the Payment of the Rates instead of the Occupiers thereof; and the Powers and Provisions herein or in the special Act contained for the Recovery of Rates from Occupiers shall be construed to apply to the Owners of such Houses and Tenements; and the Person receiving the Rents of any such House or Tenement as aforesaid from the Occupier thereof, on his own Account, or as Agent or Receiver for any Person interested therein, shall be deemed the Owner of such House or Tenement. Owners of Houses not exceeding £10 Rent to be liable to Water Rates.

App. A. **73.** Provided always, That when any Owner shall pay any such Rate in respect of any such Dwelling House or Part of a Dwelling House which shall be in the Occupation of any Tenant under any Lease or Agreement made prior to the passing of the special Act, such Tenant shall repay to the Owner all Sums which shall be so by him paid during the Continuance of such Lease, unless it have been agreed that the Owner shall pay the Water Rates in respect of such Dwelling House or Part of a Dwelling House; and every such Sum of Money payable by the Tenant to the Owner, under the Provision herein-before contained, may be recovered, if the same be not paid upon Demand, as Arrears of Rent could be recovered from the Occupier by the said Owner.

Rates how to be recovered. **74.** If any Person supplied with Water by the Undertakers, or liable as herein or in the special Act provided to pay the Water Rate, neglect to pay such Water Rate at any of the said Times of Payment thereof, the Undertakers may stop the Water from flowing into the Premises in respect of which such Rate is payable, by cutting off the Pipe to such Premises, or by such Means as the Undertakers shall think fit, and may recover the Rate due from such Person, if less than Twenty Pounds, with the Expenses of cutting off the Water, and Costs of recovering the Rate, in the same Manner as any Damages for the Recovery of which no special Provision is made are recoverable by this or the special Act; or if the Rate so due amount to Twenty Pounds or upwards, the Undertakers may recover the same, with the Expenses of cutting off the Water, by Action in any Court of competent Jurisdiction.

Profits of the Undertakers. And with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit, be it enacted as follows :

Profits of the Company to be limited. **75.** The Profits of the Undertaking to be divided among the Undertakers in any Year shall not exceed the prescribed Rate, or where no Rate is prescribed they shall not exceed the Rate of Ten Pounds in the Hundred by the Year on the paid-up Capital in the Undertaking, which in such Case shall be deemed the prescribed Rate, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend which shall have fallen short of the said yearly Rate.

76. If the clear Profits of the Undertaking in any Year amount to a larger Sum than is sufficient, after making up the Deficiency in the Dividends of any previous Year as aforesaid, to make a Dividend at the prescribed Rate, the Excess beyond the Sum necessary for such Purpose shall from Time to Time be invested in Government or other Securities, and the Dividends and Interest arising from such Securities shall also be invested in the same or like Securities, in order that the same may accumulate at Compound Interest until the Fund so formed amounts to the prescribed Sum, or if no Sum be prescribed to a Sum equal to One Tenth Part of the nominal Capital of the Undertakers, which Sum shall form a reserved Fund to answer any Deficiency which may at any Time happen in the Amount of divisible Profits, or to meet any extraordinary Claim or Demand which may at any Time arise against the Undertakers; and if such Fund be at any Time reduced it may thereafter be again restored to the said Sum, and so from Time to Time as often as such Reduction shall happen.

App. A.
If Profits exceed the Amount limited, Excess to be invested and form a reserved Fund.

77. Provided always, That no Sum of Money shall be taken from the said Fund for the Purpose of meeting any extraordinary Claim, unless it be first certified, in *England* or *Ireland*, by Two Justices, and in *Scotland* by the Sheriff, that the Sum so proposed to be taken is required for the Purpose of meeting an extraordinary Claim within the Meaning of this or the special Act.

Reserved Fund not to be resorted to unless to meet an extraordinary Claim.

78. When such Fund shall, by Accumulation or otherwise, amount to the prescribed Sum, or One Tenth Part of the nominal Capital, as the Case may be, the Interest and Dividends thereon shall no longer be invested, but shall be applied to any of the general Purposes of the Undertaking to which the Profits thereof are applicable.

When Fund amounts to prescribed Sum, Interest to be applied to Purposes of the Undertaking.

79. If in any Year the Profits of the Undertaking divisible amongst the Undertakers shall not amount to the prescribed Rate, such a Sum may be taken from the reserved Fund as, with the actual divisible Profits of such Year, will enable the Undertakers to make a Dividend of the Amount aforesaid, and so from Time to Time as often as the Occasion shall require.

If Profits are less than the prescribed Rate, a Sum may be taken from reserved Fund to supply Deficiency.

80. In *England* or *Ireland* the Court of Quarter Sessions, and in *Scotland* the Sheriff of such County, may, on the

If Profits are more

App. A. than the Amount prescribed a rateable Reduction to be made in the Price of Water. Petition of any Two Water-rate Payers within the Limits of the special Act, appoint some Accountant or other competent Person, not being a Proprietor of any Waterworks, to examine and ascertain, at the Expense of the Undertakers, the actual State and Condition of the Concerns of the Undertakers, and make report thereof to the said Court at the then present or some following Sessions, or to the Sheriff, (the Amount of such Expense to be determined by the said Court or Sheriff,) and the said Court or Sheriff may examine any Witnesses upon Oath touching the Truth of the said Accounts, and the Matters therein referred to ; and if it thereupon appear to the said Court or Sheriff that the Profits of the Undertakers for the preceding Year have exceeded the prescribed Rate, the Undertakers shall, in case the whole of the said reserved Fund has been and then remains invested as aforesaid, and in case Dividends to the Amount herein-before limited have been paid, make such a rateable Reduction in the Rates for Water to be furnished by them as in the Judgment of the said Court or Sheriff shall be proper, but so as such Rates, when reduced, shall insure to the Undertakers, regard being had to the Amount of Profit before received, a Profit as near as may be to the prescribed Rate.

Court may order Petitioner to pay the Costs of groundless Petition. **81.** Provided always, That if, in the Case of any Petition so presented, it appear to the said Court or Sheriff that there was no sufficient Ground for presenting the same, the said Court or Sheriff may, if they or he think fit, order the Petitioner to pay the whole or any Part of the Costs of or incident to such Petition (the Amount thereof to be determined by the said Court or Sheriff), and the Costs so ordered to be paid shall be recoverable in the same Way as Damages are recoverable under this or the special Act.

Penalty on Undertakers refusing to produce Books, Vouchers, etc. **82.** If the Undertakers shall, for Seven Days after being required to produce to the said Court or Sheriff, or to the said Accountant or other Person as aforesaid, any Books of Account, or other Books, Bills, Receipts, Vouchers, or Papers relating to their pecuniary Affairs, refuse or neglect to produce such Books, Bills, Receipts, Vouchers, or Papers, they shall forfeit the Sum of One hundred Pounds for every such Refusal or wilful Neglect, and the further Sum of Ten Pounds for every Day during which such Refusal or wilful Neglect shall continue after the Expiration of the said Seven Days ; such respective Penalties to be recovered by

any Person who will sue for the same, with full Costs of App. A. Suit, in any of the Superior Courts.

83. And with respect to the yearly Receipt and Expenditure of the Undertakers, be it enacted, That the Undertakers shall, in each Year after they have begun to supply Water under this or the special Act, cause an Account in abstract to be prepared of the whole Receipt and Expenditure of all Rates or other Monies levied under the Powers of this or the special Act for the Year preceding, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Chairman of the Undertakers, and also by the Auditors thereof, if any ; and a Copy of such annual Account shall be sent, free of Charge, to the Clerk of the Peace for the County in which the Waterworks are situated, if the Waterworks are situated in *England* or *Ireland*, and if the Waterworks are situated in *Scotland*, to the Sheriff Clerk of such County, on or before the Thirty-first Day of *January* in each Year, under a Penalty of Twenty Pounds for each Default ; and the Copy of such Account so sent to the said Clerk shall be kept by him, and shall be open to Inspection by all Persons, at all seasonable Hours, on Payment of One Shilling for each Inspection.

Annual Account to be made up by Undertakers, and sent to the Clerk of the Peace in *England* or *Ireland*, or to the Sheriff Clerk in *Scotland*, and to be open to Inspection.

84. And with respect to Tender of Amends, be it enacted, That if any Person shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this or the special Act, or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Person make Tender of sufficient Amends to the Person injured, such last-mentioned Person shall not recover in any such Action ; and if no such Tender have been made the Defendant may, by Leave of the Court where such Action is pending, at any Time before Issue joined, pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Tender of Amends.

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff, be it enacted as follows :

Recovery of Damages and Penalties.

85. If the Waterworks be in *England* or *Ireland*, the Clauses of the Railways Clauses Consolidation Act, 1845, Clauses

Railways Clauses

App. A. with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, shall be incorporated with this and the special Act, and if the Waterworks be in *Scotland*, the Clauses of the Railways Clauses Consolidation Act (*Scotland*), 1845, with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff or to Justices, shall be incorporated with this and the special Act, and such Clauses shall apply to the Waterworks and to the Undertakers respectively, and shall be construed as if the Word "Undertakers" had been inserted therein instead of the Word "Company."

In Ire-
land, Part
of Penal-
ties to be
paid to
Guardians
of Unions.

86. Provided always, That in *Ireland*, in the Case of any Penalty imposed by Justices, where the Application is not otherwise provided for, such Justices may award not more than One Half of such Penalty to the Informer, and shall award the Remainder to the Guardians of the Poor of the Union within which the Offence shall have been committed, to be applied in aid of the Poor Rates of such Union.

All things
required
to be done
by Two
Justices in
England
and Ire-
land may,
in certain
Cases, be
done by
One, and
in Scot-
land by
the
Sheriff,
etc.

Penalties,
etc., im-
posed in
respect of
Offences
commit-
ted within
the Met-
ropolitan
Police Dis-
trict, to
be paid to
the Re-

87. All Things herein or in the special Act, or any Act incorporated therewith, authorized or required to be done by Two Justices, may and shall be done, in *England* and *Ireland*, by any One Magistrate having by Law Authority to act alone for any Purpose with the Powers of Two or more Justices, and in *Scotland* by the Sheriff or Steward of any County, Stewartry, or Ward, or his Substitute.

88. Every Penalty or Forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law in pursuance thereof, in respect of any Offence which shall take place within the Metropolitan Police District, shall be recovered, enforced, accounted for, and, except where the Application thereof is otherwise specially provided for, shall be paid to the Receiver of the Metropolitan Police District, and shall be applied in the same Manner as Penalties or Forfeitures, other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis*; and every Order or Conviction of any of the Police Magis-

trates in respect of any such Forfeiture or Penalty shall be subject to the like Appeal, and upon the same Terms, as is provided in respect of any Order or Conviction of any of the said Police Magistrates by the said last-mentioned Act; and every Magistrate by whom any Order or Conviction shall have been made shall have the same Power of binding over the Witnesses who shall have been examined, and such Witnesses shall be entitled to the same Allowance of Expenses, as they would have had or been entitled to in case the Order, Conviction, and Appeal had been made in pursuance of the Provisions of the said last-mentioned Act.

App. A.

ceiver, and applied under 2 & 3 Vict. c. 71.

89. Every Person who upon any Examination upon Oath under the Provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

Persons giving false Evidence liable to Penalties of Perjury.

And with respect to Access to the special Act, be it enacted as follows :

Access to special Act.

90. The Undertakers shall at all Times after the Expiration of Six Months after the passing of the special Act keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty, or some of them, and shall also within the Space of such Six Months deposit in the Office of the Clerk of the Peace in *England* or *Ireland*, and of the Sheriff Clerk in *Scotland*, of the County in which the Undertaking is situated, a Copy of such special Act, so printed as aforesaid; and the said Clerk of the Peace and Sheriff Clerk shall receive, and they and the Undertakers respectively shall keep, the said Copies of the special Act, and shall allow all Persons interested therein to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament*.

Copies of special Act to be kept by Undertakers in their Office, and deposited with the Clerks of the Peace, etc., and be open to Inspection.

7 W. 4. & 1 Vict. c. 83.

91. If the Undertakers fail to keep or deposit any of the said Copies of the special Act, as herein-before mentioned, they shall forfeit Twenty Pounds for every such Offence, and

Penalty on Undertakers failing to keep or

App. A. also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

deposit
such
Copies.
Under-
takers not
exempt
from the
Provisions
of 57 G. 3.
c. xxix. or
from the
Laws re-
gulating
Sewers.

Under-
takers not
exempt
from Pro-
visions of
any future
general
Act.

92. And be it enacted, That nothing in this Act contained shall be deemed to exempt the Undertakers from the Provisions of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein*, or from the Laws of Sewers for the Time being in force within Ten Miles from the *Royal Exchange* in the City of *London*.

93. And be it enacted, That nothing herein or in the special Act contained shall be deemed to exempt the Undertakers from any general Act relating to Waterworks, or any Act for improving the Sanitary Condition of Towns and populous Districts, which may be passed in the same Session of Parliament in which the special Act is passed, or any future Session of Parliament.

Act may
be amend-
ed, etc.

94. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

WATERWORKS CLAUSES ACT, 1863.

(26 and 27 Vict. c. 93.)

An Act for consolidating in One Act certain Provisions **App. A.**
frequently inserted in Acts relating to Waterworks.

[28th July 1863.]

WHEREAS The Waterworks Clauses Act, 1847, was passed in order to comprise in One Act sundry Provisions which were at the Time of the passing of that Act usually introduced into Acts of Parliament authorizing the Construction of certain Waterworks : ^{10 & 11} ^{Vict. c. 17.}

And whereas sundry Provisions of the like Nature, but not comprised in the said Act, are now frequently introduced into Acts of Parliament relating to Waterworks, and it is expedient to comprise such last-mentioned Provisions also in One Act, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in Special Acts relating to Waterworks, as for insuring greater Uniformity in the Provisions themselves :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Preliminary.

1. This Act may be cited as the Waterworks Clauses Act, 1863 ; and The Waterworks Clauses Act, 1847, and this Act may be cited together as The Waterworks Clauses Acts, 1847 and 1863. ^{Short} ^{Title.}

2. This Act shall apply to any Waterworks to which any Special Act hereafter passed and incorporating this Act relates ; and every such Special Act is herein-after referred to as "the Special Act." ^{Applica-} ^{tion of} ^{Act and} ^{Interpre-} ^{tation of} ^{Terms.}

Terms used in this Act have the same Meanings as

App. A. the same Terms have when used in The Waterworks Clauses Act, 1847.

The Provisions respecting the Recovery of Penalties contained in the last-mentioned Act shall be incorporated with this Act.

Security of Reservoirs.

And with respect to the Security of the Reservoirs constructed by the Undertakers, be it enacted as follows :

Power for
Justices to
inquire as
to Danger
of Reser-
voir.

3. Whenever any Person interested complains to Two Justices that any Reservoir constructed by the Undertakers is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of the Complaint ; or Two Justices, on their own View, and without Complaint by any Person, may proceed under the present Provisions as if a Complaint had been so made to them.

Order of
Justices
for imme-
diate
Repair.

4. If, on any such Inquiry, the Justices are satisfied that the Complaint is well founded, and that the Reservoir is in a Dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they shall order such Person as they think fit to enter on the Property of the Undertakers, and to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of
Justices
on Under-
takers to
repair Re-
servoir.

5. If, on any such Inquiry, the Justices are satisfied that there is good Cause of Complaint, but are not satisfied that the Reservoir is in such an imminently dangerous State as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Undertakers to answer the Complaint ; and upon hearing the Parties, the Justices may, or upon Default of Appearance of the Undertakers, then in their Absence, the Justices shall, order the Undertakers, within such Period as the Justices think reasonable and specify in the Order, to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of
Justices
on Failure
of Under-

If the Undertakers fail to execute or do within that Period any such Work or Thing, the Justices who made the Order, or any other Two Justices, on being satisfied of such

Failure, may either order such Persons as the Justices think fit to enter on the Property of the Undertaker, and to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint ; or may, if they think fit, by Order impose on the Undertakers a Penalty, not exceeding Ten Pounds, for every Day during which such Failure continues after the making of the Order imposing the Penalty. App. A.
takers to
repair.

6. Any Order of Justices made in any of the Cases aforesaid shall be in Writing under their Hands, and may be in the Form set forth in the Schedule to this Act, with such Variations as Circumstances require. Form of
Order.

7. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser ; and if any Person wilfully obstructs any Person lawfully acting in obedience to any such Order, or wilfully does, or instigates, or suffers to be done, anything in contravention thereof, he shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds. Persons
acting
under
Order not
Tres-
passers.

8. The Justices may order all, or such Part as they think fit, of the Costs of and incident to the applying for and obtaining of any such Order to be paid by the Undertakers, and also all, or such Part as the Justices think fit, of the Expenses of the Works and Things executed and done in pursuance of any such Order by any Person other than the Undertakers, to be paid by the Undertakers to such Person as the Justices appoint. Order for
Payment
of Costs
and Ex-
penses.

If the Justices before whom the Complaint is made think that there is no sufficient Ground for the Complaint, they may, if they think fit, order the Complainant to pay to the Undertakers the whole or any Part of their Costs of or incident to the Complaint.

9. If the Undertakers consider themselves aggrieved by any Order or Determination of Justices under the present Provisions, they may in like Manner and subject to the like Conditions as by the Railways Clauses Consolidation Act, 1845, are provided in the Case of Appeals in respect of Penalties, appeal to the Court of General or Quarter Sessions for the County or Place where the Cause of Appeal arises ; and that Court may, on the hearing of the Appeal, either affirm or quash the Order or Determination, or make Appeal by
Under-
takers.

App. A. such other Order in the Premises as may seem fit, and may make such Order as to the Costs, both of the Original Proceedings and of the Appeal, as may seem fit ; but the Order or Determination appealed against shall, pending the Appeal, continue in force.

Under-takers not to be responsible for Consequences of Order. 10. Notwithstanding anything in the Special Act contained, the Undertakers shall not be liable to pay any Damages, Penalties, Costs, Charges, or Expenses for or in respect of, or be answerable or accountable for, any Diminution or Cessation of the Supply of Water, or any other Breach or Nonperformance of their or any of their Duties, Liabilities, or Obligations under the Special Act, that may be occasioned by or result from the Execution of any such Order.

Provisions as to Scotland. 11. The present Provisions with respect to the Security of Reservoirs shall apply to *England* and *Ireland* ; and they shall also apply to *Scotland*, subject to the following Variations, namely,—the Sheriff shall be deemed to be empowered thereby, as well as Two Justices ; and the Appeal given shall lie from Two Justices in manner provided by Sections One hundred and fifty-one and One hundred and fifty-two of The Railways Clauses Consolidation (*Scotland*) Act, 1845, and shall lie from a Sheriff Substitute to the Sheriff Depute, where the Matter comes in the first instance before a Sheriff Substitute ; and in that Case the Sheriff Depute shall hear and determine the Appeal, and may either confirm, recall, vary, or supersede the Order of the Sheriff Substitute as he thinks proper ; and the Costs of the Appeal shall be in the Discretion of the Sheriff ; and the Order or Judgment of the Sheriff in the Appeal shall be final.

Supply of Water.

And with respect to the Supply of Water to be furnished by the Undertakers, be it enacted as follows :

Supply for other than domestic Purposes. 12. A Supply of Water for domestic Purposes shall not include a Supply of Water for Cattle, or for Horses, or for washing Carriages where such Horses or Carriages are kept for Sale or Hire or by a Common Carrier, or a Supply for any Trade, Manufacture, or Business, or for watering Gardens, or for Fountains, or for any ornamental Purpose.

13. Where the Undertakers are authorized by the Special **App. A.** Act to supply Water for other than domestic Purposes, they shall not be liable, in the Absence of express Stipulation, under any Agreement for the Supply of Water for other than domestic Purposes, to any Penalty or Damages for not supplying such Water, if the Want of such Supply arises from Frost, unusual Drought, or other unavoidable Cause or Accident. Want of Supply for other than domestic Purposes, when excused.

14. Where the Undertakers are authorized by the Special Act to supply Water by Measure, they may let for Hire to any Consumer of Water so supplied any Meter or Instrument for measuring the Quantity of Water supplied and consumed, and any Pipes and Apparatus for the Conveyance, Reception, or Storage of the Water, for such Remuneration in Money as may be agreed upon between them and the Consumer, which shall be recoverable in the same Manner as Rates due to the Undertakers for Water; and the Meters, Instruments, Pipes, and Apparatus shall not be subject to Distress or to the Landlord's Hypothec for Rent of the Premises where the same are used, or be attached or taken in Execution under any Process of any Court of Law or Equity, or under or in pursuance of any Adjudication or Order in Bankruptcy, or other legal Proceeding, against or affecting the Consumer of the Water or the Occupier of the Premises, or other the Person in whose Possession the Meters, Instruments, Pipes, and Apparatus may be. Power to let Meters for Hire.

15. The Officers of the Undertakers may enter any House, Building, or Lands to, through, or into which Water is supplied by them by Measure, in order to inspect the Meters, Instruments, Pipes, and Apparatus for the measuring, Conveyance, Reception, or Storage of Water, or for the Purpose of ascertaining the Quantity of Water supplied or consumed, and may from Time to Time enter any House, Building, or Lands, for the Purpose of removing any Meter, Instrument, Pipe, or Apparatus the Property of the Undertakers; and if any Person hinders any such Officer from entering or making such Inspection, or effecting such Removal, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds; but, except with the Consent of a Justice or the Sheriff, this Power of Entry shall be exercised only between the Hours of Ten in the Forenoon and Four in the Afternoon. Power for ascertaining Quantity consumed by Meter, and for removing Meters, etc.

Protection of Water.

App. A. And with respect to the Waste or Misuse of the Water supplied by or belonging to the Undertakers, be it enacted as follows :

Power to
cut off
Water in
certain
Cases.

16. If any Person supplied with Water by the Undertakers wrongfully does or causes or permits to be done anything in contravention of any of the Provisions of the Special Act, or wrongfully fails to do anything which, under any of those Provisions, ought to be done for the Prevention of the Waste, Misuse, undue Consumption, or Contamination of the Water of the Undertakers, they may (without Prejudice to any Remedy against him in respect thereof) cut off any of the Pipes by or through which Water is supplied by them to him, or for his Use, and may cease to supply him with Water, so long as the Cause of Injury remains or is not remedied.

Penalty
for Waste,
etc., of
Water by
Non-re-
pair of
Pipes, etc.

17. If any Person supplied with Water by the Undertakers wilfully or negligently causes or suffers any Pipe, Valve, Cock, Cistern, Bath, Soil-pan, Watercloset, or other Apparatus or Receptacle to be out of repair, or to be so used or contrived as that the Water supplied to him by the Undertakers is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the Return of foul Air, or other noisome or impure Matter into any Pipe belonging to or connected with the Pipes of the Undertakers, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty
for Appli-
cation of
Water
contrary
to Agree-
ment.

18. If any Person—

First, not having from the Undertakers a Supply of Water for other than domestic Purposes, uses, for other than domestic Purposes, any Water supplied to him by the Undertakers ; or

Secondly, having from the Undertakers a Supply of Water for any other than domestic Purposes, uses, for any Purposes other than those for which he is entitled to use the same, any Water supplied to him by the Undertakers,—

he shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, without Prejudice to the Right

of the Undertakers to recover from him the Value of the App. A. Water misused.

19. It shall not be lawful for the Owner or Occupier of any Premises supplied with Water by the Undertakers, or any Consumer of the Water of the Undertakers, or any other Person, to affix or cause or permit to be affixed any Pipe or Apparatus to a Pipe belonging to the Undertakers, or to a Communication or Service Pipe belonging to or used by such Owner, Occupier, Consumer, or other Person, or to make any Alterations in any such Communication or Service Pipe, or in any Apparatus connected therewith, without the Consent in every such Case of the Undertakers ; and if any Person acts in any respect in contravention of the Provisions of the present Section, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to the Right of the Undertakers to recover Damages from him in respect of any Injury done to their Property, and without Prejudice to their Right to recover from him the Value of any Water wasted, misused, or unduly consumed.

20. If any Person, not being supplied with Water by the Undertakers, wrongfully takes or uses any Water from any Reservoir, Watercourse, Conduit, or Pipe belonging to the Undertakers, or from any Pipe leading to or from any such Reservoir, Watercourse, Conduit, or Pipe or from any Cistern or other like Place containing Water belonging to the Undertakers, or supplied by them for the Use of any Consumer of the Water of the Undertakers, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Recovery of Rates.

And with respect to the Recovery of Water Rates and other Money, be it enacted as follows :

21. If any Person refuses or neglects to pay to the Undertakers any Rate or Sum due to them under the Special Act, they may recover the same, with Costs, in any Court of competent Jurisdiction ; and their Remedy under the present Section shall be in addition to their other Remedies for the Recovery thereof.

App. A.

SCHEDULE.

Form of Order of Justices.

To A.B. of &c.

We the Undersigned, Two of Her Majesty's Justices of the Peace acting for the [County] of
do hereby order and direct you [and such Person and Persons as you may require to aid and assist you herein,] forthwith to lower the Water in the [*here describe the Reservoir and the Extent to which the Water is to be lowered*], and to do all such Works and Things as are requisite to repair and make secure the said Reservoir [and you shall do as little Injury as possible to the Property of the
, and for acting as you are hereby directed this shall be your sufficient Warrant.]

Given under our Hands this Day of
One thousand eight hundred and

A.B.
C.D.

METROPOLIS WATER ACT, 1852.

(15 and 16 Vict. c. 84.)

An Act to make better Provision respecting the Supply of **App. A.**
Water to the Metropolis.

[1st July 1852.]

WHEREAS it is expedient to make Provision for securing the Supply to the Metropolis of pure and wholesome Water, and otherwise to make further and better Provision in relation to the Water Supply of the Metropolis : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

1. From and after the Thirty-first Day of *August* One thousand eight hundred and fifty-five it shall not be lawful for any Company supplying the Metropolis or any Part thereof with Water for domestic Use, except the Governor and Company of *Chelsea Waterworks*, to take any Water for such Purpose from any Part of the River *Thames* below *Teddington Lock*, or from any Part of any of the tributary Rivers or Streams of the River *Thames* below the highest Point where the Tide flows in such tributary Rivers and Streams respectively ; and from and after the Thirty-first Day of *August* One thousand eight hundred and fifty-six it shall not be lawful for the said Governor and Company of *Chelsea Waterworks* to take any Water for domestic Use from any Part of the River *Thames* below *Teddington Lock*. Restriction as to Sources of Supply of Water to the Metropolis.

2. From and after the Thirty-first Day of *August* One thousand eight hundred and fifty-five every Reservoir within a limited Distance, to be covered. in a Distance in a straight Line from *Saint Paul's Cathedral* in the City of *London* of not more than Five Miles, in which Water for the Supply for domestic Use of the

App. A. Metropolis or any Part thereof is stored or kept by any Company, shall be roofed in or otherwise covered over: Provided always, that this Provision shall not extend to any Reservoir the Water from which is subjected by the Company to efficient Filtration after it is discharged from such Reservoir, and before it is passed into the Mains or Pipes of the Company for Distribution, or to any Reservoir the whole of the Water from which is distributed through distinct Mains or Pipes for other than domestic Purposes, nor to any Reservoir whatever the Water stored in which shall be used exclusively for other than domestic Purposes.

Water not to be brought within a limited Distance in open Aqueducts.

3. From and after the Thirty-first Day of *December* One thousand eight hundred and fifty-five, no Water shall be brought or conducted within the Metropolis by any Company for the Purpose of domestic Use otherwise than through Pipes or through covered Aqueducts, unless the same shall be afterwards filtered before Distribution.

Every Company to filter all Water supplied by them for domestic Use.

4. From and after the Thirty-first Day of *December* One thousand eight hundred and fifty-five, every Company shall effectually filter all Water supplied by them within the Metropolis for domestic Use, before the same shall pass into the Pipes for Distribution, excepting any Water which may be pumped from Wells into a covered Reservoir or Aqueduct, without Exposure to the Atmosphere, and which shall not be afterwards mixed with unfiltered Water.

Company to give Notice to Board of Trade before resorting to new Sources of Supply, who may thereupon appoint an Inspector to report.

5. Three Months before any Company shall resort to any new Source of Supply, such Company shall give Notice in Writing thereof to the Lords of the Committee of Privy Council for Trade and Plantations, herein-after called the Board of Trade, and thereupon, within One Month after Receipt of such Notice, the said Board of Trade shall, if they think fit, appoint a competent Person as an Inspector, who shall report with respect to any Sources then specially authorized by Parliament, whether the Directions of the Special Act have been complied with in reference thereto, and with respect to any new Sources not specially authorized by Parliament, whether the same are capable of supplying good and wholesome Water for domestic Purposes.

Inspector to give Notice to Companies of

6. The Inspector so appointed as aforesaid shall within Ten Days after such Appointment give Notice in Writing to the Company thereof, and of the Time at which he proposes to visit and inspect the said Sources, and thereupon,

in order to enable him to make such Report as aforesaid, **App. A.** it shall be lawful for the said Inspector to enter the Lands wherein such Sources respectively are situate, and to examine and make Inquiry touching the Premises. his Intention to visit new Sources.

7. The Board of Trade shall, within Twenty-one Days after the Receipt from the said Inspector of his Report, send to such Company with respect to any such new Sources of Supply not specially authorized by Parliament a Certificate in Writing of their Approval or Disapproval thereof, and with respect to any such Sources as shall then be specially authorized by Parliament a Notice in Writing stating whether in the Judgment of the said Board of Trade the Directions of the Special Act have in reference thereto been complied with. Board of Trade to certify their Approval or Disapproval of new Sources.

8. After the Company shall have received a Certificate that the said Board of Trade disapproves of any such new Source of Supply not specially authorized by Parliament as aforesaid, it shall not be lawful for the Company to use the said Source, and after Receipt of such Notice as aforesaid that in the Judgment of the said Board of Trade the Directions of the Special Act with reference to any Sources then specially authorized by Parliament have not been complied with, it shall not be lawful for the Company, before complying with such Directions with reference to such Source, to use the same. If Board of Trade disapprove, Company not to use new Source of Supply.

9. If at any Time Complaint as to the Quantity or Quality of the Water supplied by any Company for domestic Use be made to the Board of Trade by Memorial in Writing signed by not less than Twenty Inhabitant Householders paying Rents for and supplied with Water by the Company, it shall be lawful for the Board of Trade, at any Time within One Month after the Receipt of such Complaint, to appoint a competent Person to inquire into and concerning the Grounds of such Complaint, and to report to the Board of Trade thereon. On Complaint as to Quantity and Quality, Board of Trade may appoint a Person to inquire and report.

10. The Person so appointed as aforesaid shall, within Three Days after such Appointment, give Notice thereof in Writing to the Company, and after such Notice as aforesaid he shall have Power to inspect and examine the Waterworks of the Company, and to inquire into and concerning the Grounds of such Complaint; and the Company and Powers of Person appointed.

App. A. their Officers shall afford all reasonable Facilities for such Inspection, Examination, and Inquiry.

Penalty for obstructing Inspector. 11. Any Person obstructing such Inspector in the due Prosecution of such Inspection, Examination, or Inquiry, shall forfeit and pay any Sum not exceeding Ten Pounds.

If Complaint well founded, Notice to be given to Company. 12. If after Receipt of such Report it shall appear to the Board of Trade that the said Complaint is well founded, the Board of Trade shall give Notice thereof in Writing to the Company.

Company to remove Ground of Complaint. 13. After the Receipt of such Notice the Company shall and they are hereby required within a reasonable Time to remove the Grounds of such Complaint.

Engines to consume their own Smoke. 14. Every Steam Engine, Furnace, or other Work in which Coals which produce Smoke during Combustion shall be consumed by any Company for the Purpose of the Water-works shall be constructed on the most effectual Principle for consuming its own Smoke.

Provision for constant Supply of Water by every Company. 15. After the Expiration of Five Years from the passing of this Act, every Company shall, subject to the Provisions of the Special Act relating to such Company, provide and keep, in the District Mains already laid down or hereafter to be laid by them, a constant Supply of pure and wholesome Water sufficient for the domestic Use of the Inhabitants of all Houses supplied by such Company, at such Pressure as will make the Water reach the Top Story of the highest of such Houses, but not exceeding the Level prescribed by the Special Act of such Company: Provided that no Company shall be bound to provide a constant Supply of Water to any District Main until Four Fifths of the Owners or Occupiers of the Houses on such Main shall by Writing under their Hands have required such Company to provide such Supply, nor even upon such Requisition, in case it can be shown by any Company objecting to the same that more than One Fifth of the Houses on such Main are not supplied with Pipes, Cocks, Cisterns, Machinery, and Arrangements of all Kinds for the Reception and Distribution of Water, constructed according to the Regulations prescribed by the Special Act or by this Act, or which any Company, with the Approval of the Board of Trade, may from Time to Time make in that Behalf; and after any such Requisition as aforesaid shall have been delivered to the Company, it

shall be lawful for the Surveyor, or any other Person acting under the Authority of the Company, between the Hours of Nine of the Clock in the Forenoon and Four of the Clock in the Afternoon, to enter into any House or Houses on such District Main, in order to ascertain whether the Pipes, Cocks, Cisterns, and Machinery of such House and Houses are so constructed as aforesaid; and provided also, that any Company may, with the Consent of the Board of Trade, suspend the giving of such constant Supply, or give the same in succession to the several Districts of such Company or to any Parts of such Districts as may be found to be convenient; and provided that it shall be lawful for the Company, after due Notice, to abstain from supplying, or to cut off the Communication Pipes, and withdraw the Supply of Water from any House whereof the Pipes, Cocks, Cisterns, Machinery, or Arrangements as aforesaid shall not be in conformity with such Regulations; provided that neither the *Kent Waterworks Company* nor the *Hampstead Waterworks Company* shall be required to give such Supply at any Height exceeding One hundred and eighty Feet above *Trinity High-water Mark*, nor the *East London Waterworks Company* be required to give such Supply at any Height exceeding Forty Feet above the Level of the Pavement nearest the Point at which such Supply shall be required.

App. A.

16. Any Company which shall violate, refuse, or neglect to comply with any of the Provisions herein-before contained shall forfeit to Her Majesty the Sum of Two hundred Pounds, and the further Sum of One hundred Pounds for every Month during which they shall continue to violate or to refuse or neglect to comply with the same after they shall have received Notice in Writing from the Board of Trade to discontinue such Violation, Refusal, or Neglect as aforesaid.

Penalty for Non-compliance with the Provisions of the Act.

17. Every Company shall, within One Year after the passing of this Act, cause a Map to be made of the District within which any Mains or District Mains shall have been laid down or formed by them on a Scale not less than Six Inches to a Mile, and shall cause to be marked thereon the Course and Situation of all existing Mains and District Mains, and shall, within Six Months from the making of any Alterations or Additions, cause the said Maps to be from Time to Time corrected, and such Additions made thereto as may show the Line and Situation of all such Mains

Map of underground Works of the Companies to be made and kept at principal Office of each Company, and be

App. A. and District Mains as may be laid down or formed by them from Time to Time after the passing of this Act; and such Map or a Copy thereof, with the Date expressed thereon of the last Time when the same shall have been so corrected as aforesaid, shall be kept in the principal Office of each Company, and shall be open to the Inspection of all Persons interested in the same within the said District, who shall be at liberty to take Copies of or Extracts from the same.

Companies to furnish Particulars of District Mains when required.

Account of Receipt and Expenditure of Rates, etc., to be prepared, and to be open to Inspection.

18. Every Company, on the Application of any Person supplied with Water by such Company, shall furnish to such Person the Particulars of any District Main from which such Person is supplied, together with the Names of the Streets through which such District Main passes, and the Commencement and Termination thereof.

19. And with respect to the yearly Receipt and Expenditure of every Company, the Company shall in each Year cause an Account in abstract to be prepared of the whole Receipt and Expenditure of all Rates or other Monies levied under the Powers of their Act, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Chairman of the Company, and also by the Auditors thereof, if any, and a Copy of such annual Account shall be sent, free of Charge, to the Town Clerk of the City of *London*, and to the Vestry Clerk of each Parish supplied with Water by each Company respectively not within the City of *London*, on or before the Thirty-first Day of *January* in each Year, under a Penalty of Twenty Pounds for each Default; and the Copy of such Account so sent shall be kept by the said Town Clerk and Vestry Clerks respectively, and shall be open to Inspection by all Persons at all reasonable Hours, on Payment of One Shilling for each Inspection.

Board of Trade may direct Prosecutions to enforce Provisions of Acts.

20. Whenever it shall appear to the Board of Trade that any of the Provisions of this Act have been violated, or have not been complied with on the Part of any Company, or that any Company has acted or is acting in a Manner unauthorized by the Provisions of this Act, and it shall also appear to the said Board of Trade that it would be for the public Advantage that the Company should be restrained from so acting, the said Board of Trade shall certify the same to Her Majesty's Attorney General, and thereupon

the said Attorney General shall proceed by Information, or by Action, Bill, Complaint, Suit at Law or in Equity, or other legal Proceeding, as the Case may require, to recover any Penalties which may have been incurred, or otherwise to enforce the due Performance of the said Provisions; and in case the Default of the Company shall consist in the Commission of some Act or Acts unauthorized by Law, then the said Attorney General, upon receiving such Certificate as aforesaid, shall proceed by Suit in Equity, or such other legal Proceeding as the Nature of the Case may require, to obtain an Injunction or Order, (which the Judge in Equity, or other Judge to whom the Application is made, shall be authorized and required to grant, if he shall be of opinion that the Act or Acts of the Company complained of is or are not authorized by Law,) to restrain the Company from acting in such illegal Manner, or to give such other Relief as the Nature of the Case may require. **App. A.**

21. No such Certificate as aforesaid shall be given by the said Board of Trade until Twenty-one Days after they shall have given Notice to the Company against or in relation to whom they shall intend to give such Certificate of their Intention to give such Certificate; and no Proceedings shall be commenced under the Authority of the said Board of Trade except within One Year after the Offence shall have been committed. Prosecutions to be under the Sanction of Board of Trade and within One Year after the Offence.

22. Whenever Water shall be constantly laid on under Pressure in any District Main, every Person supplied with Water under Pressure by any Company through such Main shall, when required by the Company, provide a proper Cistern or other Receptacle for the Water with which he shall be so supplied, with an efficient Ballcock or other like Apparatus; and if any Cistern or other Receptacle supplied with Water under Pressure shall be provided with or have any Overflow Spout, Waste Pipe, or other Means or Contrivance immediately connected or capable of being used therewith to carry off the Water from such Cistern or Receptacle, such Person shall be bound to give Notice to the Company of every such Overflow Spout, Waste Pipe, or other Means or Contrivance, and of the Situation thereof; and whether such Notice shall have been given or not, the Surveyor or any other Person acting under the Authority of the Company may, between the Hours of Nine of the Clock in the Forenoon and Four of the Clock in the Afternoon, Cisterns to be supplied with proper Ballcocks or other Apparatus.

App. A. enter into any House in order to examine if there be any Waste, Misuse, or undue Consumption of Water by means of any Overflow Spout, Waste Pipe, or other Means or Contrivance ; and in case any such Waste, Misuse, or undue Consumption of Water shall be found to exist, or shall be deemed likely to occur from the Use of any such Overflow Spout, Waste Pipe, or other Means or Contrivance, it shall be lawful for such Surveyor or other Person to give Notice to the Person so supplied with Water, either to repair and amend or to remove such Overflow Spout, Waste Pipe, or other Means or Contrivance ; and if the same shall not be forthwith repaired and amended, or removed, in accordance with such Notice, it shall be lawful for the Company immediately thereafter to turn off the Water from the House, and to cease to supply the same with Water.

Cisterns,
Closets,
and Baths
to be so
construct-
ed as to
prevent
Waste or
the Flow
or Return
of impure
Matter
into the
Mains,
etc.

23. Every Cistern or other Receptacle for Water, and every Closet, Soil-pan, and private Bath which shall be supplied with Water by any Company, shall be so constructed and used as effectually to prevent the Waste, Misuse, or undue Consumption of Water, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Company, or into any Pipes connected or communicating therewith ; and notwithstanding anything in "The Waterworks Clauses Act, 1847," or in this Act contained, no Company shall be bound to supply Water into any Cistern or other Receptacle for Water, Closet, Soil-pan, or private Bath, which shall not be so constructed and used.

Restrict-
ing Com-
munica-
tion with
Pipes of
the Com-
pany.

24. No Person shall make or lay down, or permit to be made or laid down, any Pipe or other Means or Contrivance for taking, using, or obtaining Water to communicate with any Pipe or Apparatus connected with any of the Mains or Pipes of any Company without giving such Notice, and except under such Superintendence, and according to such Direction as is provided by "The Waterworks Clauses Act, 1847," with respect to the Communication Pipes to be laid by the Inhabitants.

Water
may be
cut off in
certain
Cases.

25. If any Person supplied with Water by any Company shall wilfully do or cause to be done any Act, Matter, or Thing in contravention of the Provisions of this Act, or of the Special Act relating to such Company, or of any Act incorporated therewith, or shall wilfully omit or neglect to do any Matter or Thing which under such Provisions ought to be

done for the Prevention of the Waste, Misuse, or undue Consumption, or the Contamination of the Water of the Company, it shall be lawful for the Company to turn off the Water supplied by them to such Person, and to cease to supply such Person with Water, and also to recover from such Person by Action or Suit in any Court of competent Jurisdiction the Amount of any Loss, Damage, or Injury which such Company may sustain by means or in consequence of any such Act, Matter, or Thing as aforesaid, or of any such wilful Omission or Neglect as aforesaid. **App. A.**

26. It shall be lawful for any Company from Time to Time, with the Approval of the Board of Trade, to make such Regulations as shall be necessary or expedient for the Purpose of preventing the Waste or Misuse of Water, and therein, amongst other things, to prescribe the Size, Nature, and Strength of the Pipes, Cocks, Cisterns, and other Apparatus to be used, and to interdict any Arrangements, and the Use of any Pipes, Cocks, Cisterns, or other Apparatus, which may tend to such Waste or Misuse as aforesaid. Regulations to be made, with Approval of Board of Trade.

27. If it appear to the Churchwardens and Overseers of the Poor of any Parish that any House in such Parish is without a proper Supply of Water, and that an annual Supply can be furnished thereto by the Company at a Rate not exceeding Threepence *per* Week, conformably with the Scale of Rates authorized to be charged by such Company, after making the allowance of Twenty *per Cent.* herein-after mentioned, the said Churchwardens and Overseers shall, with the Consent of the Vestry of the said Parish, give Notice in Writing to the Owner or Occupier of such House, requiring him within a Time specified therein to obtain such Supply, and do all such Works as may be necessary for that Purpose; and if such Notice be not complied with the said Churchwardens and Overseers shall, with the Consent aforesaid, do such Works, and recover the Expenses incurred from such Owner, in like Manner and with the same Remedies for Nonpayment, as Rates for the Maintenance of the Poor are by Law recoverable in such Parish; and the Company shall, upon the Requisition of the said Churchwardens and Overseers of the Poor, supply with Water such House or Houses; and the Rates for such Supply of such House or Houses, not exceeding in the whole Threepence *per* Week for any One such House, shall be due and payable Parish Officers, with Consent of Vestry, may require Inhabitants to procure Supply of Water.

App. A. by the said Owner, and shall be recoverable by the Company as if such Owner had contracted with the Company for the Supply of such Water, and upon such Payment the Company shall make an Allowance of Twenty *per Cent.* ; and for the Purposes aforesaid the Person for the Time being receiving the Rackrent of any such House as aforesaid, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such House were let at a Rackrent, shall be deemed to be the Owner of such House.

Short
Title.

28. In citing this Act in other Acts and in legal Instruments it shall be enough to use the Expression "The Metropolis Water Act, 1852."

Interpre-
tation of
Terms.

29. In the Construction of this Act the Expression "Company" shall mean and include any of the Companies herein-after enumerated ; (that is to say,) the Governor and Company of the *New River* brought from *Chadwell* and *Amwell* to *London*, commonly called "The *New River* Company ;" the Company of Proprietors of the *East London* Waterworks ; the *Southwark and Vauxhall* Water Company ; the *West Middlesex* Waterworks Company ; the *Lambeth* Waterworks Company ; the Governor and Company of *Chelsea* Waterworks ; the *Grand Junction* Waterworks Company ; the Company of Proprietors of the *Kent* Waterworks ; and the *Hampstead* Waterworks Company ; and also any other Company, Board, Commissioner, Association, Person, or Partnership, corporate or unincorporate, for the Time being supplying the Metropolis or any Part thereof with Water for domestic Use ; the Expression "the Special Act" shall mean and include this Act, and every and any Act of Parliament relating to the Company referred to ; and the Expression "the Metropolis" shall mean and include all Places described or referred to in the Schedule to this Act.

The SCHEDULE above referred to.

All such Places lying on the North Side or Left Bank of the River Thames as are within the exterior Boundaries of and are within the Ambit formed by the Parishes of Fulham, Hammersmith, Kensington, Paddington, Hampstead, Hornsey, Tottenham, Saint Pancras, Islington, Stoke

Newington, Hackney, Stratford-le-Bow, Bromley, Poplar, App. A.
and Shadwell.

Such Part of the Parish of Chelsea as lies North of the
said Parish of Kensington.

And such Parts and Places lying on the South Side or
Right Bank of the said River as are within the exterior
Boundaries of and are within the Ambit formed by the
Parishes of Woolwich, Charlton, Greenwich, Deptford, Lee,
Lewisham, Camberwell, Lambeth, Streatham, Tooting,
Wandsworth, and Putney.

METROPOLIS WATER ACT, 1871.

(34 and 35 Vict. c. 113.)

An Act to amend "The Metropolis Water Act, 1852;" and
to make further provision for the due Supply of Water
to the Metropolis and certain places in the neighbourhood
thereof.

[21st August 1871.]•

WHEREAS it is expedient to amend "The Metropolis 15 & 16
Water Act, 1852;" and to make further provision Vict. c. 84
for securing to the metropolis and to certain places in the
neighbourhood thereof a constant supply of pure and whole-
some water :

Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the advice and consent of the Lords
Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the authority of the same,
as follows :

Preliminary.

1. This Act may be cited for all purposes as "The Short
Metropolis Water Act, 1871." title.

2. This Act and the Metropolis Water Act, 1852, as the This and
same is amended by this Act, shall be read and construed recited
Act to be
as one.
together as one Act.

3. In this Act,—

The expression "the metropolis" shall mean the Interpre-
tation of
terms.
metropolis as defined by the Metropolis Management
Act, 1855 :

App. A.

The term "Company" shall mean and include any of the companies following ; that is to say,—

The Governor and Company of the New River brought from Chadwell and Amwell to London, commonly called "The New River Company ;"

The East London Waterworks ;

The Southwark and Vauxhall Water Company ;

The Company of Proprietors of the West Middlesex Waterworks Company ;

The Company of Proprietors of Lambeth Waterworks ;

The Governor and Company of Chelsea Waterworks ;

The Grand Junction Waterworks Company ;

The Company of Proprietors of the Kent Waterworks ; and also any other corporation, company, board, commissioners, association, person, persons, or partnership, for the time being supplying water for domestic use within the limits of this Act :

The term "person" shall include a corporation aggregate or sole :

The expression "water limits" in relation to a Company shall mean such parts of the limits within which such Company is authorised to supply water as are within the limits of this Act :

The expression "the special Act," in relation to a Company shall mean and include every and any Act of Parliament relating to such Company :

The expression "metropolitan authority" shall mean, in the places specified in the table in the Schedule (A.) to this Act annexed, the bodies or persons named in the same table :

The term "district" shall mean the area selected for the purpose of constant supply, such area being within the jurisdiction of a metropolitan authority, and also within the water limits of a Company, and being coterminous with some one or more services of such Company :

The term "premises" shall mean and include any dwelling-house and any part of a dwelling-house, and any stable, yard, or other offices used together or in connexion with any dwelling-house or any part of a dwelling-house :

The term "prescribed" shall mean prescribed by any regulations made under the authority of this Act : **App. A.**

The term "court of summary jurisdiction" means and includes any justice or justices of the peace, metropolitan police magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, intituled "An Act to facilitate the "Performance of the Duties of Justices of the Peace "out of Sessions within England and Wales with "respect to Summary Convictions and Orders," and any Acts amending the same :

The term "fittings" includes communication pipes, and also all pipes, cocks, cisterns, and other apparatus used or intended for supply of water by a Company to a consumer, and for that purpose placed in or about the premises of the consumer :

The term "owner" means the person who, for the time being, receives the rackrent of the premises with reference to which that term is used, whether on his own account or under or by virtue of any mortgage or charge, or as agent or trustee for any person, or who would so receive the same if the premises were let at a rackrent, and includes every successive owner from time to time of the premises, being such for any part of the time during which the enactment wherein that term is used operates in relation to the premises :

Premises shall be deemed to be on the same service, or on a service, when water is supplied to them by a Company from the same service pipe.

4. The limits within which the provisions of this Act shall be in force and have effect (in this Act referred to as "the limits of this Act") shall include the metropolis and the several places set out in the schedule to the Metropolis Water Act, 1852, which do not form part of the metropolis. **Limits of Act.**

5. From and after the passing of this Act, the sections of the Metropolis Water Act, 1852, specified in the Schedule (B.) to this Act annexed, shall be and the same are hereby repealed, so far as regards their operation within the limits of this Act : Provided always, that no such repeal shall affect any act, matter, or thing duly done or agreed upon before **Repeal of parts of Metropolis Water Act, 1852.**

App. A. the passing of this Act, under the authority of any of the sections of the said Act hereby repealed.

Supply of
water on
Sundays.

6. From and after the passing of this Act every Company shall on Sundays as on other days supply sufficient pure and wholesome water for the domestic use of the inhabitants within their water limits.

Constant Supply.

Com-
panies to
provide
constant
supply of
water.

7. Subject to the provisions of this Act, every Company may, and from and after the expiration of eight months from the passing of this Act every Company shall, when required so to do, in the manner directed by this Act, provide and keep throughout their water limits, or throughout such parts of such limits as they may be required in manner aforesaid, a constant supply of pure and wholesome water sufficient for the domestic purposes of the inhabitants within such water limits constantly laid on at such pressure as will make such water reach the top story of the highest houses within such water limits (but not exceeding the level prescribed by the special Act) of such Company (which supply is in this Act referred to as a "constant supply"); and every such Company shall, subject to the provisions of the special Act as the same are amended by this Act, give and continue to give to such inhabitants a constant supply for domestic purposes in manner prescribed.

Applica-
tion for
constant
supply.

8. At any time after the expiration of six months from the passing of this Act, the metropolitan authority shall, whenever they are of opinion that there should be in any district a constant supply, make application to the Company within the water limits in which such district is situate, requiring a constant supply in such district, and any Company may without any such application propose to the metropolitan authority to give a constant supply in any district.

Appeal to
Board of
Trade.

9. When application has been made to any Company requiring such Company to provide a constant supply, or when any Company has given notice to a metropolitan authority of a proposal to give a constant supply in any district, and the Company so required, or the metropolitan authority upon whom notice of such proposal has been served, object to such requisition or proposal, it shall be

lawful for such Company or metropolitan authority, within one month after the making of such application or service of such notice, to present a memorial to the Board of Trade, setting forth their objections to such requisition or proposal, and the party presenting such memorial, or such Company, shall give notice to the other party of the presentation of such memorial, and shall transmit to such party a copy of the same. The Board of Trade shall, as soon as conveniently may be after the receipt of such memorial, take the same into their consideration, and may, if they think fit, institute any inquiry in relation thereto, and may hear such Company and authority desiring to be heard, and may make such order in reference thereto, and as to the costs thereof and incident to the same, as to them shall seem just. App. A.

10. No Company shall be compelled to give a constant supply to any premises in any district until the regulations provided for by this Act are made and are in operation within such district, or if it can be shown by such Company that at any time after the expiration of two months from the time of the service of any requisition for constant supply more than one fifth of the premises in such district are not provided with the prescribed fittings, without prejudice nevertheless to any renewed requisition at a future period. Restriction as to compulsory supply by Companies.

In any district in which any default in respect of the prescribed fittings shall be found, the metropolitan authority may by notice in writing require the owner or occupier of any such premises, within a time to be specified in such notice, to provide the prescribed fittings, or to cause the fittings in such premises to be repaired, so as to prevent any waste of water, and if any person fail to comply with the terms of such notice the metropolitan authority may provide for such premises the prescribed fittings, or repair the fittings within the same, as the case may be.

The expenses incurred by the metropolitan authority in providing such fittings or in making such repairs shall be paid to them by the person liable to pay the rate for the water supplied, or on whose credit the water is supplied, or by the owner of the premises.

All such expenses may be recovered, with costs, from the owner, and to the extent of any rent due by the occupier of the premises, from such occupier, by proceedings in a court of summary jurisdiction, or by action in any court having

App. A. jurisdiction locally in the matter, as if the same were an ordinary simple contract debt; and any sum and costs so recovered from an occupier may be deducted by him from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent, as if the same had been actually paid as rent; but if in any case an occupier fails to disclose the amount of rent due by him, or the name or address of the owner, he shall be liable to pay the full amount of such expenses and costs: Provided further, that as between any such owner and occupier nothing herein contained shall be taken to affect any contract made between them respecting the payment of the expenses of any such works as aforesaid.

Power to Board of Trade to require constant supply, in certain cases.

11. It shall be lawful for the Board of Trade, at any time after the expiration of six months from the passing of this Act, to require a constant supply to be provided in any district by the Company within the water limits of which such district is situate, upon complaint made, and in case it appears to such Board, after due inquiry,—

That the metropolitan authority refuses to make or unreasonably delays making application for such constant supply, or

That, by reason of the insufficiency of the existing supply of water in such district, or the unwholesomeness of such water in consequence of its being improperly stored, the health of the inhabitants of such district is or is likely to be prejudicially affected.

Notice requiring or proposing constant supply to be served upon Company or metropolitan authority.

12. Where a constant supply is required in any district, notice to that effect shall be served, on behalf of the party requiring the same, upon the Company required to provide such supply; and where a constant supply is proposed to be given in any district by any Company, notice to that effect shall be served on behalf of such Company upon the metropolitan authority. In every such notice shall be stated accurately the district in which such constant supply is required or proposed to be given, and the day (not being an earlier day than four months after the date of the service of such notice) upon and from which such supply is to commence.

Extension of time to Companies.

13. Where a constant supply is required in any district, and the Company is unable, from want of funds or other cause of any kind, to execute all the necessary works within the time prescribed by this Act, the Board of Trade, if they

think fit, may extend the time for the giving of such supply generally, or may extend the time, and direct such supply to be given at different times in succession, to the several parts of such district, in such manner as may be found most convenient: Provided that application be made by the Company for such extension of time within one month after the notice referred to in the last preceding section has been served upon them. **App. A.**

14. With respect to cases where a group or number of dwelling-houses are situate in a court or passage, or otherwise in contiguity with or in close neighbourhood to one another, the following further provisions shall have effect; etc. Provision for supply in courts, passages, etc.
that is to say,

- (1) If at any time it appears to the Board of Trade, on the report of the nuisance authority, as defined by the Sanitary Act, 1866, that a constant supply cannot be well and effectually provided for that group or number of dwelling-houses, except by means of a stand-pipe or other apparatus placed outside the dwelling-houses, the Board of Trade may from time to time make an order to the effect that such group or number of dwelling-houses may be so supplied, and shall serve the same on the Company within whose water limits the dwelling-houses are situate :
- (2) If the requisite stand-pipe or other apparatus in accordance with the regulations of the Company is provided, then the Company shall give to those dwelling-houses a supply accordingly by means of the stand-pipe or other apparatus so provided, and on giving such supply shall be entitled to receive and recover water rates or rents from the owners or occupiers of such dwelling-houses as if the supply had been given in the premises. The expense of providing such stand-pipe or other apparatus shall be borne by the owner of the dwelling-houses, or if there is more than one owner then by the respective owners in such proportions as the Board of Trade shall direct :
- (3) The Board of Trade may at any time abrogate, wholly or in part, the order, or may originally grant it only for a limited period.

App. A. 15. Notwithstanding anything in this Act, a Company shall not be subject to any liability for not giving a constant supply if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident.

Penalties for non-compliance with preceding provisions. 16. Any Company which violates, refuses, or neglects to comply with any of the preceding provisions of this Act shall be liable to a penalty not exceeding two hundred pounds, and to a further penalty not exceeding one hundred pounds for every month during which such violation or refusal or neglect to comply with the said provisions continues after they shall have received notice in writing from the Board of Trade to discontinue such violation, refusal, or neglect as aforesaid.

Regulations.

Company may make regulations. 17. Every Company shall, within six months after the passing of this Act, make regulations for the purposes for which regulations may be made under the authority of section 26 of the Metropolis Water Act, 1852, and the provisions of that section shall apply also to the preventing of undue consumption or contamination of water.

Amendment of regulations. 18. Any Company, if it thinks fit, or if requested so to do by the Board of Trade, may repeal or alter any of the regulations made for the purposes aforesaid, or make new regulations instead of any of the same.

In case of default by Companies, Board of Trade may appoint person to report as to regulations, and may make same. 19. In case any Company does not make regulations within the time specified in this Act, or in case any Company, on being requested in writing by the metropolitan authority, or by any ten consumers of the water supplied by that Company, to repeal or alter any of the regulations for the time being in force, or to make new regulations instead of any of the same, refuses so to do, the Board of Trade may, if they think fit, appoint a competent and impartial person of engineering knowledge and experience to report to them as to such regulations as may be necessary for the execution of this Act, or as to the expediency of altering or repealing such regulations, or of making new regulations, in conformity with such request as aforesaid, and on the report of such person the Board of Trade may make such regulations, repeal, or alterations as they think fit.

20. By any regulations made under the authority of the **App. A.** Metropolis Water Act, 1852, or of this Act, penalties may be imposed for offences against the same not exceeding in respect of any offence the sum of five pounds, so that every such regulation be so framed as to allow part only of the maximum penalty being inflicted, and any such penalty shall be recoverable as penalties under this Act are recoverable. Penalties for offences against regulations.

21. Within four days after the making of any regulation, or of any repeal or alteration in any regulation, notice of the same shall be served upon the metropolitan authority by the Company or person making the same. Notice of regulations to be delivered to metropolitan authority.

22. No regulation, and no repeal or alteration of any regulation, made under the authority of the Metropolis Water Act, 1852, or of this Act, by a Company, shall be of any force or effect unless and until the same be submitted to and confirmed by the Board of Trade, who may institute such inquiry in relation thereto as they shall think fit, and who at such inquiry shall hear the metropolitan authority, and the Company, if desiring to be heard, and the said Board shall, if they think fit, or if requested, nominate and have present at such inquiry to advise and assist them a competent and impartial waterworks engineer. The Board of Trade may, after such inquiry, confirm or disallow any such regulation, repeal, or alteration, in whole or in part, or may confirm the same with such modification or alteration as they may think proper; and no such regulation, repeal, or alteration shall be made by the Board of Trade on any such report as aforesaid, except after a like inquiry and hearing, with the like advice and assistance as aforesaid: Provided that no such regulation, repeal, or alteration shall be confirmed or made (as the case may be) by the Board of Trade unless notice in that behalf shall have been given by the Company to which the same relates, or by such person as the Board of Trade direct, in the London Gazette and in two daily morning newspapers circulated within the limits of this Act, one month at least before the inquiry; and one month at least before any such inquiry is held a copy of the regulation, repeal, or alteration in question shall be sent by such Company or person to the office of the metropolitan authority, and the same shall for one month be kept open during office hours at the respective offices of the metro- Confirmation of regulations.

App. A. politan authority and of the said Company to the inspection of all persons, without fee or reward, and a copy of the same or of any part thereof shall be furnished to every person who shall apply for the same, on payment of sixpence for every one hundred words contained in such copy.

Publica-
tion of re-
gulations.

23. A printed copy of all regulations in force for the time being shall be kept at the office of the metropolitan authority and of every Company within the limits of this Act, and all persons may at all reasonable times inspect such copy without payment, and each Company shall cause to be delivered a printed copy, authenticated by their seal, of all regulations for the time being in force to every person applying for the same, on payment of any sum not exceeding one shilling and sixpence for every such copy, and a printed copy of the regulations for the time being in force relative to any particular district only to every person applying for the same, on payment of any sum not exceeding threepence for every such copy.

Regula-
tions to be
binding
upon all
parties.

24. All regulations, and every repeal of or alteration in any regulation made, shall, after publication in manner by the last preceding section of this Act directed, be binding upon and be observed by all parties, and shall be sufficient warrant for all persons acting under the same, and a Company shall not be bound under any agreement to supply or continue to supply water to any premises unless such regulations as are for the time being in force are duly observed in respect of those premises.

Evidence
of regula-
tions.

25. A printed copy of regulations relating to any Company, dated and purporting to be made as aforesaid, and to be authenticated by the seal of such Company, shall be conclusive evidence of the existence and of the due making, confirmation, and publication of such regulations in all prosecutions or proceedings under the same, without adducing proof of such seals, or of the fact of such confirmation or publication of such regulations or of any of the requirements of this Act relative thereto having been complied with.

Supply of prescribed fittings.

Notice re-
lating to
constant
supply to
be pub-
lished in

26. When notice in relation to a constant supply in any district has been served upon or by any Company, the party by whom or on whose behalf such notice shall be served shall, within five days after the service thereof, cause to be published a copy of the same once in the London Gazette,

and copies of the same once at least in each of two successive weeks in any two daily newspapers circulated within the limits of this Act.

App. A.

London Gazette, etc.

27. Where in any district any Company is required or has proposed to provide a constant supply, such Company may, at any time after the expiration of one month after the publication in the London Gazette of a copy of the notice requiring or proposing such constant supply, unless a memorial or application has been presented or made to the Board of Trade objecting to such constant supply or seeking an extension of time, and if any such memorial or application has been presented or made, then at such time after the determination of the Board of Trade in relation to such memorial or application as such Board shall approve and order, cause to be served on the owner or occupier of any premises within such district a notice requiring such owner or occupier to supply such premises with the prescribed fittings.

Company may issue notice upon owners and occupiers to provide prescribed fittings.

28. Every owner or occupier of premises upon whom notice to that effect has been served shall, within two months after the date of the service of such notice, provide the prescribed fittings, and shall from time to time keep the same in proper repair.

Owner or occupier to provide prescribed fittings.

29. Where in any district any Company is required or has proposed to provide a constant supply, and

In case of default by owner or occupier,

Any owner or occupier of premises upon whom notice to provide prescribed fittings has been served by such Company makes default in providing the prescribed fittings, such Company, if they think fit, may provide such fittings; or

Company may provide or repair

Where in any such district the fittings of any person are out of order, and not as prescribed, such Company may by notice in writing require such person, within twenty-four hours after the date of the service of such notice, to cause the same to be repaired, so as to prevent any waste of water; and if any person fail to comply with the terms of such notice such Company (if they think fit) may repair the fittings of such person.

prescribed fittings.

The expenses incurred by such Company in providing such fittings or in making such repairs shall be paid to them by the person liable to pay the rate for the water supplied or on whose credit the water is supplied by means of such fittings, or by the owner of the premises.

All such expenses may be recovered, with costs, from the

App. A. owner, and to the extent of any rent due by the occupier of the premises from such occupier, by proceedings in a court of summary jurisdiction, or by action in any court having jurisdiction locally in the matter, as if the same were an ordinary simple contract debt ; and any sum and costs so recovered from an occupier may be deducted by him from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent, as if the same had been actually paid as rent ; but if in any case an occupier fails to disclose the amount of rent due by him, or the name or address of the owner, he shall be liable to pay the whole amount of such expenses and costs : Provided, that as between any such owner and occupier nothing herein contained shall be taken to affect any contract made between them respecting the payment of the expenses of any such works as aforesaid.

Power to enter premises for inspection and repair of fittings.

30. Where in any district any Company is required or has proposed to provide a constant supply, the officers or agents of such Company, or of the party requiring such supply, or any person appointed for such purpose by the Board of Trade may, at all reasonable times, enter any premises within such district, in order to inspect the premises for the purposes of this Act, and examine the same with a view to ascertain whether there are in or about the same the prescribed fittings, or, where authorised under the provisions of this Act, to provide or repair the fittings ; and if any person hinder any such officer, agent, or person from entering and making such inspection or examination, or providing or repairing such fittings, every person so offending shall for every such offence be liable to a penalty not exceeding five pounds.

Settlement of disputes as to sufficiency, etc., of fittings.

31. In the event of any dispute as to whether the fittings of any person are as prescribed, such dispute shall be settled by the court of summary jurisdiction, on the application of either party, which court may make such order as to the amount of the costs of the proceedings before such court as seems just, and the decisions of such court shall be final and binding on all parties.

Penalties for non-compliance with the provisions of Act.

32. Where in any district any Company is required or has proposed to provide a constant supply,—

If any person supplied with water by such Company wilfully or negligently causes or suffers any fittings to be out of repair, or to be so used or contrived as that the water

supplied to him by such Company is or is likely to be App. A. wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air or other noisome or impure matter into any pipe belonging to or connected with the pipes of such Company, he shall for every such offence be liable to a penalty not exceeding five pounds ; or

If any person supplied with water by such Company wrongfully does or causes or permits to be done anything in contravention of any of the provisions of the special Act or this Act, or wrongfully fails to do anything which, under any of those provisions, ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of such Company, they may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied by them to him or for his use, and may cease to supply him with water, so long as the cause of injury remains or is not remedied ; and in every case of so cutting off or ceasing to supply, the Company shall within twenty-four hours thereafter give to the nuisance authority, as defined by the Sanitary Act, 1866, notice thereof.

33. The absence in respect of any premises of the prescribed fittings after the prescribed time shall be a nuisance, within section 11 and sections 12-19 (inclusive) of the Nuisances Removal Act for England, 1855, and within all provisions of the same or any other Act applying, amending, or otherwise relating to those sections ; and that nuisance, if in any case proved to exist, shall be presumed to be such as to render the premises unfit for human habitation within section 13 of the Nuisances Removal Act for England, 1855, unless and until the contrary is shown to the satisfaction of the justices acting under that section. Absence of proper water fittings in premises to be a nuisance.

34. Section 32 of the Metropolitan Fire Brigade Act, 1865, shall operate, subject and according to the provisions following ; (that is to say,) Provision respecting fire-plugs.

- (1) In that section and in this provision the term "fire-plug" and the term "plug" shall include hydrant and all other apparatus necessary or proper in connexion with the Company's pipes for supply of water in case of fire :
- (2) Where a Company give a constant supply in any part of their water limits they may, if they think

App. A.

fit, give notice thereof to the Metropolitan Board of Works :

- (3) If the Metropolitan Board of Works do not within two months after receipt of any such notice specify, as regards that part of the Company's water limits, what plugs for supply of water in case of fire, at what places, of what dimensions, and in what form they require the Company to provide, then, at any time after the expiration of that time, the Company may, if they think fit, provide in and for that part of their water limits such plugs for supply of water in case of fire, at such places, of such dimensions, and in such form as to the Company seem necessary or proper :
- (4) Thereupon, as regards that part of the Company's water limits, the Company shall be deemed to have fully discharged all obligations imposed on them by the said section 32 :
- (5) All plugs provided by a Company in pursuance of this provision may, for the purposes of the fire brigade, be used as if they had been provided on the requisition of the Metropolitan Board of Works under the said section 32 :
- (6) The providing of plugs by a Company under this provision shall be at the expense of the Metropolitan Board of Works, and the cost, charges, and expenses of the Company in or about the providing of the same shall be paid to the Company by the Metropolitan Board of Works, on demand, out of their general rate, and in default may be sued for and recovered, with costs, by the Company in any court of competent jurisdiction for the recovery of any ordinary simple contract debt of the like amount.

Quality of Water.

Power to
Board to
appoint
persons to
inquire
and report
as to
quality of
water.

35. The Board of Trade may at any time, if and when they think fit, appoint a competent person to inquire into and report on the quality of the water furnished by any Company, notwithstanding that no complaint has been made and signed by twenty inhabitant householders, as prescribed by section 9 of the Metropolis Water Act, 1852 ;

and sections 10 and 11 and 13, and the other provisions of that Act, shall apply in every respect as if such person were appointed under section 9 of that Act, and as if any matter reported to the Board of Trade as requiring alteration on the part of a Company had been the subject of a complaint by such householders as aforesaid. **App. A.**

36. There shall be a water examiner, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade, who shall from time to time, in such manner as the Board of Trade direct, examine the water supplied by any Company, in order to ascertain whether or not the Company have complied with the requirements of section 4 of the Metropolis Water Act, 1852, and shall from time to time report the results of his several examinations to the Board of Trade; and the Board of Trade shall send a copy of every such report to the Company to which the same relates, and the Company may, if they think fit, on each occasion of such examination, be represented thereat by some officer, but such officer shall not interfere in the examination. **Appointment and duties of water examiner.**

There shall be paid to such water examiner such remuneration by the Companies and in such proportions as such Board appoints.

Accounts.

37. Every Company shall, on or before the thirty-first day of July in each year, fill up and forward to the Board of Trade, and to the town clerk of the city of London, and to the Metropolitan Board of Works, and to the vestry clerk of each parish within which water is supplied by each Company respectively not within the city of London, a statement of account, made up to the end of their financial year then last passed, in such form and containing such particulars as may from time to time be prescribed by the Board of Trade. **Accounts, etc.**

Each Company shall keep copies of such statement at their office for one year after the date thereof, and sell the same to any applicant at a price not exceeding one shilling for each such copy.

In case any Company make default in complying with any of the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for each day during which such default continues.

App. A. 38. There shall be an auditor of the accounts of the Companies, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade.

There shall be paid to such auditor such remuneration by the Companies and in such proportions as such Board appoints.

Ascertain-
ment of
capital of
Com-
panies. 39. The auditor shall, with all practicable speed after the passing of this Act, investigate the accounts of the Companies, and ascertain and certify the amounts of their capitals, distinguishing share from loan capital, and shall ascertain and certify the capital of each Company, and shall from time to time, as new capital shall be expended, in like manner ascertain and certify the amount of such new capital that has been bona fide expended for the purposes of the undertaking. Notwithstanding anything in this Act, the auditor shall not investigate the accounts of any Company antecedent to the date mentioned in that behalf in relation to such Company in the Schedule C. to this Act annexed.

Periodical
audit of
accounts. 40. The auditor shall once in every half year audit the accounts of the Companies.

If he finds the accounts correct he shall certify the same, but if in any instance he finds the accounts of any Company incorrect in principle or in detail, he shall require such Company to correct such accounts in such manner as he thinks right, and no future dividend shall in any case be declared by any Company until their accounts are certified by the auditor; provided that the suspension of a dividend under this section shall not operate until after the expiration of nine months from the date of the audit.

Facilities
for
auditor. 41. Each Company shall, during as well as subsequent to the close of that half year to which the accounts relate, give to the auditor, his clerks and assistants, access to the books and documents of such Company, and shall, when required, furnish to him and them all vouchers and information requisite for the purposes of the audit, and shall afford to him and them all facilities for the proper execution of his and their duty; and any Company making default in complying with any of the provisions of this section shall, for every such default, be liable to a penalty not exceeding ten pounds.

42. If any Company think themselves aggrieved by any act or determination of the auditor, the matter in difference shall be referred to the determination of an arbitrator agreed on between such Company and the auditor, or, in default of agreement, appointed, on the application of either party, by the Lord Chief Justice of the Court of Common Pleas; and the reference shall be subject and according to the provisions of the Common Law Procedure Act, 1854; and the decision of the arbitrator shall be final and conclusive; and, subject to this provision, such Company shall observe and abide by the directions and determinations of the auditor.

App. A.
Arbitration between auditor and Company.

Arbitration.

43. Where any dispute arises between any persons whatsoever in relation to the execution of this Act, or to any act, matter, or thing incident to or consequent upon the execution of the same, and where the method of determining any such question in dispute is not expressly provided for, such question may, if the parties so desire, be settled by arbitration in manner prescribed by the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration.

Disputes may be settled by arbitration.

Penalties.

44. Every penalty incurred by any Company by reason of non-compliance with any of the provisions of this Act shall go and belong to the metropolitan authority within the jurisdiction of which the same has been incurred, and may be sued for and recovered by such metropolitan authority in any court of competent jurisdiction for the recovery of any ordinary simple contract debt of the like amount, and shall be paid and applied as such metropolitan authority shall from time to time direct.

Recovery and application of penalties.

Every such penalty shall be borne and paid (to the satisfaction of the auditor appointed as in this Act provided) exclusively by and out of the divisible profits of the Company by whom the penalty is incurred, and by way of reduction of dividend.

App. A. **45.** Except as is by the next preceding section expressly provided, all penalties under this Act may be sued for and recovered in the "Court of Summary Jurisdiction."

Summary proceedings for penalties, etc.

Miscellaneous.

Form and service, etc., of instruments. **46.** Any instrument (including a notice, order, resolution, declaration, requisition, consent, approval, disapproval, or other document) made, given, delivered, or served under this Act, or any regulation thereunder, may be either in print or in writing (including lithograph), or partly in print and partly in writing (including lithograph), and, if the instrument of a Company, shall be sufficiently authenticated by the name of their secretary being affixed thereto in print or writing, or by a stamp on behalf of the Company; and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any premises to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served, without further name or description; and any such instrument may be addressed to owners or occupiers of any number of contiguous or neighbouring premises collectively, and when so addressed may be served on more owners and occupiers than one (so that separate copies be served on the respective owners and occupiers of the several premises concerned); and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post in a letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the premises in respect of which it is given or served, or if the premises are unoccupied, and the place of abode of the person to be served is, after diligent inquiry, unknown, it shall be sufficient to affix it, or a copy thereof, on some conspicuous part of such premises.

Act not to apply to certain property **47.** Nothing in this Act shall be deemed to apply to any of the landed estate, houses, or property of the New River Company not directly used for or connected with their

water supply, or to authorise or empower the auditor to investigate or audit any accounts of the New River Company other than those relating to their water supply.

App. A.
and ac-
counts of
the New
River
Company.

48. In case any consumer leave the premises where water was supplied to him without paying to the Company the rate due from him, the Company shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant agreed with the defaulting consumer to pay the arrears, but the Company shall, notwithstanding any such arrears, supply water to the incoming tenant, on being required by him so to do.

Incoming
tenant not
to pay
arrears of
outgoing
tenant,
unless by
express
agree-
ment.

49. Sections 17 and 18 of the Metropolis Water Act, 1852, shall be read as if instead of the words "district mains" and "district main" in the said sections the words "pipes" and "pipe" were substituted respectively; and every Company shall, upon the map, and upon every alteration of the same made in conformity with the provisions of the said section 17, as amended by this section, cause to be marked every screw-cock or apparatus by means of which water is permitted to flow or is prevented from flowing from the main into any pipe within the water limits of such Company.

Amend-
ment of
sections
17 and 18
of Metro-
polis
Water
Act, 1852.

50. Except as in this Act provided, nothing in this Act shall take away, abridge, or prejudicially affect any right or power which a Company would have had under their special Act or the Metropolis Water Act, 1852, or under any charter or otherwise, if this Act had not been passed.

Saving for
ordinary
powers.

Costs.

51. All costs, charges, and expenses of or incidental to the preparing, applying for, and passing of this Act, and of promoting the Bill for the like purposes introduced previous to the same, shall be paid by the mayor, aldermen, and commons of the city of London, and the Metropolitan Board of Works, in such proportions and as and to whom the Board of Trade shall direct.

Expenses
of Act.

App. A**SCHEDULE A.**

Places.	Description of Metropolitan Authority.
The City of London and the liberties thereof.	The Mayor, Aldermen, and Commons of the City of London.
The metropolis, except the City of London and the liberties thereof.	The Metropolitan Board of Works.
Any place within the limits of this Act not included in the above descriptions, and under the jurisdiction of commissioners, trustees, or other persons intrusted by any Local Act with powers of improving, cleansing, or paving such place.	The commissioners, trustees, or other persons intrusted by the Local Act with powers of improving, cleansing, or paving.
Any place within the limits of this Act not included in the above descriptions, and within the jurisdiction of local boards constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, or one of such Acts.	The local board.
Any place or parish within the limits of this Act not within the above descriptions, and in which a rate is levied for the maintenance of the poor.	The vestry, select vestry, or other body of persons acting by virtue of any Act of Parliament, prescription, custom, or otherwise, as or instead of a vestry or select vestry.

SCHEDULE B.

Parts of the Metropolis Water Act, 1852, which are referred to in section 5 of the foregoing Act, viz. :—

Section 15, except so much thereof as prescribes the height at which the Kent Waterworks Company and the East London Waterworks Company are respectively required to give their supply, sections 19 to 22, both inclusive, and section 27.

SCHEDULE C.

App. A.

Setting forth in relation to each Company the date antecedent to which the accounts of such Company shall not be investigated.

Name.	Date.
The Governor and Company of the New River brought from Chadwell and Amwell to London, commonly called the New River Company.	16th day of July 1866.
The Company of Proprietors of the East London Waterworks.	15th day of July 1867.
The Southwark and Vauxhall Water Company.	12th day of April 1867.
The West Middlesex Waterworks Company.	13th day of May 1869.
The Lambeth Waterworks Company.	13th day of May 1869.
The Governor and Company of Chelsea Waterworks.	3rd day of June 1864.
The Grand Junction Waterworks Company.	29th day of May 1868.
The Company of Proprietors of the Kent Waterworks.	30th day of June 1864.

METROPOLIS WATER ACT, 1897.

(60 and 61 Vict. c. 56.),

An Act to amend the Law respecting the Metropolitan Water Companies.

[6th August 1897.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

App. A.

Complaint
may be
made to
Railway
and Canal
Commis-
sion.

1.—(1) Any water consumer or any local authority may complain to the Railway and Canal Commission that any of the metropolitan water companies has failed to perform some statutory duty of the company, and the Commission may hear and determine that complaint, and if satisfied of such failure order the company within the time limited by the order to fulfil the duty, and may, if they think fit, by any such order, impose any penalty for such failure which can be imposed under any Act, and enforce any such order in like manner as any other order of the Commission.

(2) If at any time complaint as to the quantity or quality of the water supplied by any of the metropolitan water companies for domestic use is made to the Railway and Canal Commission, by any water consumer or local authority, the Commission may hear and determine such complaint, and if satisfied that the complaint is well founded, may order the company, within such reasonable time as is specified in the order, to remove the ground of such complaint, and may enforce such order in like manner as any other order of the Commission, and may award damages to the complainant.

57 & 58
Vict. c. 54.

(3) All enactments relating to the Railway and Canal Commission (except section two of the Railway and Canal Traffic Act, 1894, which restricts the power to award costs) shall, with the necessary modifications, apply to the Railway and Canal Commission for the purpose of their jurisdiction under this Act.

(4) This Act shall be in addition to and not in substitution for any existing proceedings or remedy.

Power of
local
authori-
ties to aid
water con-
sumers.

2. A local authority may aid any water consumer in obtaining the determination of any question which appears to the local authority to be of interest to water consumers within the district of such local authority with respect to the rights, duties, and liabilities of any of the metropolitan water companies in reference to the quantity or quality of water supplied or the charges made by them. A local authority aiding any legal proceedings under this section may, if the court think fit, be made a party to the proceedings, and shall be liable for costs accordingly.

Extension
to whole
water
area, and

3. The Metropolis Water Act, 1852, and the Metropolis Water Act, 1871, shall, as respects the metropolitan water companies, extend to the whole of the area within which

any of the companies is for the time being authorised to supply water, and for the purpose of the said Acts as so extended reference to that area shall be substituted for references to "the metropolis" and "the limits of this Act," and as respects any area outside the administrative county of London a reference to the council of a county or county borough shall be substituted for a reference to the metropolitan authority, and so much of the said Acts or of any local Act as is inconsistent with such substitution shall be and is hereby repealed.

App. A.
adapta-
tion of
Metro-
polis
Water
Acts.
15 & 16
Vict. c. 84.
34 & 35
Vict. c.
113.

4. The Railway Commissioners shall include in their annual report a return of all proceedings taken before them under this Act.

Return of
proceed-
ings
taken.

5. In this Act, unless the context otherwise requires,—

Defini-
tions.

The expression "metropolitan water companies" means the water companies specified in section three of the Metropolis Water Act, 1871, namely; the New River Company, the East London Waterworks Company, the Southwark and Vauxhall Water Company, the Company of Proprietors of the West Middlesex Waterworks, the Company of Proprietors of Lambeth Waterworks, the Governor and Company of Chelsea Waterworks, the Grand Junction Waterworks Company, and the Company of Proprietors of the Kent Waterworks:

34 & 35
Vict. c.
113.

The expression "water consumer" means any person who is supplied with water by any of the metropolitan water companies, or who pays or is liable to pay any money charged by any of those companies for or in respect of the supply of water, whether under the name of rent, rate, or otherwise, and includes any householder or owner or occupier of a house entitled to make a communication with the mains or pipes of any of those companies: Provided that nothing in this Act shall affect the terms of any agreement existing at the time of the passing of this Act between a water company and a water consumer as to the supply of water:

The expression "local authority" means the council of any county, borough, or district, the mayor, aldermen, and commonalty of the city of London, and any vestry, district board, or local board of health in the county of London.

App. A.

Short title
and com-
mence-
ment.

6.—(1) This Act may be cited as the Metropolis Water Act, 1897.

(2) This Act shall come into operation on the first day of September next after the passing thereof.

METROPOLIS WATER ACT, 1899.

(62 Vict. c. 7.)

An Act to enable and require the Metropolitan Water Companies to supply each other with Water in cases of emergency.

[6th June 1899.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Duties
and
powers
of metro-
politan
water
companies
as to
mutual
supply of
water.

1.—(1) It shall be the duty of the several metropolitan water companies, and they are hereby respectively authorised—

(a) if so required by the Local Government Board, to submit schemes for works enabling the companies to supply each other with water from any sources of supply which any company are for the time being empowered to use, and to construct such works as may in the opinion of the Board be necessary for that purpose ; and

(b) whenever in the opinion of the Local Government Board a case of emergency has arisen, or is likely to arise, to supply, at a reasonable cost, and to such extent and during such period as the Board may direct, such water as may be required for the need of another metropolitan water company and may be available after satisfying the requirements of the district of the supplying company.

(2) For the construction and maintenance of works required for the purposes of this Act each of the water companies may exercise within and without their district

the same powers as they may exercise within their district for the purpose of supplying the same, and nothing in any Act, whether general or local, shall prevent any such company from supplying water to another company or for another district. **App. A.**

(3) The cost of constructing works under this Act shall be borne, and the money required for the construction of such works shall be raised by the issue of debenture stock under the powers of this Act, by the company actually constructing the same, but the interest on such stock shall, subject as herein-after provided, be borne by the metropolitan water companies in proportion to their respective water rentals as appearing from time to time from their published accounts for their respective last completed year. Provided that any company receiving water by means of such works shall pay during the time they take such water, in addition to any other sum payable under this sub-section, such proportion of the interest on the total cost of their construction, not exceeding twenty pounds a day, as may be agreed by all the companies, or failing agreement be fixed by arbitration.

(4) If any question arises as to the terms on which water is to be supplied by a company in pursuance of this Act, the question shall be settled by arbitration.

(5) An arbitration under this section shall be in accordance with the Arbitration Act, 1889, and before an arbitrator appointed by the Local Government Board. <sup>52 & 53
Vict. c. 49.</sup>

(6) The Local Government Board may make such orders as they may deem necessary—

(a) fixing the times within which schemes are to be submitted and works are to be constructed; and

(b) determining the extent to which, and the period during which, supply is to be given, in pursuance of this Act; and

(c) prescribing the information to be supplied by the metropolitan water companies to the Local Government Board for the purposes of this Act.

If any of the metropolitan water companies makes default in compliance with any such order, the company shall be liable for every day during which the default continues to a penalty of one hundred pounds, which may be recovered by the Local Government Board as a debt due to the

App. A. Crown. Provided that the Court may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty.

Issue of
debenture
stock.

2.—(1) A metropolitan water company may, with the consent of the Local Government Board, raise any money required to be contributed by the company for the construction of the works needed to give effect to the requirements of this Act by the issue of debenture stock, but the Board shall make it a condition of their consent that the stock be raised in accordance with the provisions contained in the most recent Act for the time being with reference to the issue of debenture stock by a metropolitan water company.

(2) The power under this section of raising money by the issue of debenture stock shall apply to expenditure incurred by any metropolitan water company after the first day of September one thousand eight hundred and ninety-eight upon the construction of works which would have been legal if they had been required to be constructed, and had been constructed in pursuance of this Act.

Provided that a company shall not be required to carry to a sinking fund a percentage on the amount of money for the time being raised by the issue of debenture stock created under the powers of this Act.

Provision
in case of
future
purchase
of under-
taking.

3. If the undertaking of any of the metropolitan water companies is purchased within seven years of the passing of this Act, otherwise than by agreement, by any public body or trustees, nothing in this Act shall authorise the company to bring into account or to make any claim in respect of any advantages conferred on them by or resulting from the passing of this Act.

Inquiries
and
expenses.

4.—(1) The Local Government Board may direct an inspector to hold any inquiry which the Board may deem necessary for the purposes of this Act, and every such inspector shall, for the purposes of any such inquiry, have all such powers as an inspector has for the purposes of inquiries directed by the Board under the Public Health

38 & 39
Vict. c. 55, Act, 1875.

(2) All costs, charges, and expenses incurred by the Local Government Board in relation to any scheme submitted or inquiry held under this Act, including the expenses of any witnesses summoned by the inspector

holding any such inquiry and a sum to be fixed by the Board for the services of any such inspector, shall be paid to the Board by the metropolitan water companies, or some of them, as the Board may direct, and may be recovered as a debt due to the Crown. **App. A.**

5. Nothing in this Act shall authorise the construction by any metropolitan water company of any works for the purpose of utilising any supplies of water drawn from wells outside the districts of the metropolitan water companies not now utilised under the powers possessed by such companies. For protection of outside areas.

6. In this Act the expression "metropolitan water companies" means the water companies specified in section three of the Metropolis Water Act, 1871. Meaning of metropolitan water companies. 34 & 35 Vict c.113.

7. This Act may be cited as the Metropolis Water Act, 1899. Short title.

POOR LAW BOARD ACT, 1847.

(10 and 11 Vict. c. 109.)

21. The said inspectors may summon before them such persons as they may think necessary for the purpose of being examined before them upon any matter concerning the administration of the laws relating to the relief of the poor, or any other matter placed by law under the control or regulation of the commissioners, or for the purpose of producing and verifying upon oath any books, contracts, agreements, accounts, writings, or copies of the same, in anywise relating to such matter, and not relating to or involving any question of title to any lands, tenements, or hereditaments, not being the property of any parish or union, and may examine any person whom they shall so summon, or who shall voluntarily come before them to be examined upon any such matter, upon oath, which each of the said inspectors shall be empowered to Power to summon witnesses.

App. A. administer, or, instead of administering an oath, the inspector may require the party examined to make and subscribe a declaration of the truth of the matter respecting which he shall have been or shall be so examined; and all summonses made by any such inspector for any such purpose as aforesaid shall be obeyed by all persons as if such summons had been the summons and order of the commissioners, and the non-observance thereof shall be punishable in like manner; and the costs and expenses of such person so summoned shall be paid in such cases and in such manner as the costs and expenses of persons summoned under the authority of the first-recited Act are now payable: Provided always, that no person shall be required in obedience to any such summons to go or travel more than ten miles from his place of abode.

4 & 5
Will. 4.
c. 75. s. 14.

SUPERANNUATION (METROPOLIS) ACT, 1866.

(29 Vict. c. 31.)

An Act to provide for Superannuation Allowances to Officers of Vestries and other Boards within the Area of the Metropolis Local Management Act.

[18th May 1866.]

WHEREAS it is expedient that Provision should be made to enable Superannuation Allowances to be granted to Officers of Vestries of any Parish and District Boards of any District and of other Parochial Bodies within the Metropolis who become disabled by Infirmary or Age to discharge the Duties of their Offices :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Vestries,
District
Boards,
and
Metro-
politan
Board of

1. The Vestry of any Parish and District Board of any District or any other Parochial Body within the Metropolis, and also the Metropolitan Board of Works, may, at their Discretion, grant to any Officer in their respective Services, including the Chairman of the Metropolitan Board of Works,

who shall become incapable of discharging the Duties of his Office with Efficiency by reason of permanent Infirmity of Mind or Body, or of old Age, upon his resigning or otherwise ceasing to hold his Office, an annual Allowance not exceeding in any Case Two Thirds of his then Salary, regard being had to the Scale of Allowances herein-after contained, and shall charge such Allowance to the Fund or Funds to which such Salary would have been charged if he had continued in his Office: Provided always, that nothing in this Act contained shall affect the Powers contained in the Two hundred and thirteenth Section of "The Metropolitan Management Act, 1855."

App. A.
Works may grant Super-annuation Allowances to Officers in certain Cases.

2. This Allowance shall be payable to or in trust for such Officer only, and shall not be assignable for nor chargeable with his Debts or other Liabilities without the Consent in Writing of the Vestry, District Board, Metropolitan Board of Works, or other Parochial Body.

Allowances not to be assignable for Debts, etc.

3. No Officer shall be entitled to such Allowance on the Ground of old Age who shall not have completed the full Age of Sixty Years.

Limitation of Grant of Allowances.

4. Subject to the Provisions herein contained, the Allowance to be granted after the Commencement of this Act to Persons who shall have served in an established Capacity as Officers as aforesaid, whether their remuneration be computed by weekly Wages, Poundage, or Percentage on Collection of Rates, or annual Salary, shall be as follows; (that is to say,)

Scale of Allowances.

To any Person who shall have served Ten Years and upwards, and under Eleven Years, an annual Allowance of Ten Sixtieths of the Salary and Emoluments of his Office;

And in like Manner an Addition of One Sixtieth in respect of each additional Year of such Service until the Completion of a Period of Service of Forty Years, when the annual Allowance of Forty Sixtieths may be granted; and no Addition shall be made in respect of any Service beyond Forty Years; but in computing the Time of an Officer's Service any Period during which such Officer shall have been in the Service of a Vestry, Board of Trustees, or other Parochial Board of the same Parish superseded by "The

App. A. Metropolis Management Act, 1855," or of any Parish comprised in the District Board granting such Allowance, shall be included.

Power to
increase
Allow-
ance.

5. When for the due and efficient Discharge of the Duties of any Office professional or other peculiar Qualifications not ordinarily to be acquired in the Vestry or Board's Service are required, and any Person having such Qualifications shall have been or may be appointed thereto beyond the Age of Thirty Years, any Vestry or Board may, by Order, direct that when any Person now holding or who may hereafter be appointed to such Office shall retire from their Service, a Number of Years, not exceeding Ten, to be specified in the said Order, shall, in computing the Amount of Superannuation Allowance which may be granted to him under this Act, be added to the Number of Years during which he may have actually served.

Power to
grant
Gratuities
in case of
Retire-
ment
before
entitled
to Super-
annuation
Allow-
ance.

6. Any Vestry or Board or other Parochial Body may grant to any Person who is compelled to quit their Service by reason of severe bodily Injury occasioned, without his own Default, in the Discharge of his public Duty, or from Infirmary of Mind or Body, before the Completion of the Period which would entitle him to a Superannuation Allowance, a Gratuity not exceeding Three Months' Pay for every Two Years of Service.

Notice of
Grant to
be given.

7. No Grant shall be made without One Month's previous Notice, to be specially given in Writing to every Member of the Vestry or District Board, of the Proposal to make such Grant, and the Time when it shall be brought forward.

Interpre-
tation of
Terms.

8. In the Construction of this Act the Term "Metropolis" shall have the same Interpretation as in the Metropolis Management Act, 1855, and Metropolis Management Amendment Act, 1862; the Words "other Parochial Body" shall mean all Trustees, Overseers, and others who make the several Rates for the Purposes of the Vestry or the District Board of any District.

PUBLIC HEALTH ACT, 1875.

(38 and 39 Vict. c. 55.)

WATER SUPPLY.

App. A.

Powers of Local Authority in relation to Supply of Water.

51. Any urban authority may provide their district or any part thereof, and any rural authority may provide their district or any contributory place therein, or any part of any such contributory place, with a supply of water proper and sufficient for public and private purposes, and for those purposes or any of them may—

General powers for supplying district with water.

- (1) Construct and maintain waterworks, dig wells, and do any other necessary acts ; and
- (2) Take on lease or hire any waterworks, and (with the sanction of the Local Government Board) purchase any waterworks, or any water or right to take or convey water, either within or without their district, and any rights powers and privileges of any water company ; and
- (3) Contract with any person for a supply of water.

52. Before commencing to construct waterworks within the limits of supply of any water company empowered by Act of Parliament or any order confirmed by Parliament to supply water, the local authority shall give written notice to every water company within whose limits of supply the local authority are desirous of supplying water, stating the purposes for which and (as far as may be practicable) the extent to which water is required by the local authority.

Restriction on construction of waterworks by local authority.

It shall not be lawful for the local authority to construct any waterworks within such limits if and so long as any such company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the local authority ; and any difference as to whether the water which any such company are able and willing to lay on is proper and sufficient for the purposes for which it is required, or whether the purposes for which it is

App. A. required are reasonable, or (if and so far as the charges of the company are not regulated by Parliament) as to the terms of supply, shall be settled by arbitration in manner provided by this Act.

As to construction of reservoirs.

53. At least two months before commencing to construct under the provisions of this Act any reservoir (other than a service reservoir or tank which will hold not more than one hundred thousand gallons) the local authority shall give notice of the intended work by advertisement in one or more of the local newspapers circulated within the district where the reservoir is to be constructed.

If any person who would be affected by the intended work objects to such work, and serves notice in writing of such objection on the local authority at any time within the said two months, the intended work shall not be commenced without the sanction of the Local Government Board, after such inquiry as herein-after mentioned, unless such objection is withdrawn.

The Local Government Board may, on application of the local authority, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed; and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing with such modifications (if any) as they may deem necessary the intended work.

Power of carrying mains.

54. Where a local authority supply water within their district, they shall have the same powers and be subject to the same restrictions for carrying water mains within or without their district as they have and are subject to for carrying sewers within or without their district respectively by the law for the time being in force.

As to supply of water.

55. A local authority shall provide and keep in any water-works constructed or purchased by them a supply of pure and wholesome water; and where a local authority lay any pipes for the supply of any of the inhabitants of their district, the water may be constantly laid on at such pressure as will carry the same to the top story of the highest dwelling-house within the district or part of the district supplied.

56. Where a local authority supply water to any premises they may charge in respect of such supply a water rate to be assessed on the net annual value of the premises ascertained in the manner by this Act prescribed with respect to general district rates ; moreover they may enter into agreements for supplying water on such terms as may be agreed on between them and the persons receiving the supply, and shall have the same powers for recovering water rents or other payments accruing under such agreements as they have for recovering water rates.

App. A.
Power to charge water rates and rents.

57. For the purpose of enabling any local authority to supply water there shall be incorporated with this Act the Waterworks Clauses Act, 1863, and the following provisions of the Waterworks Clauses Act, 1847 ; (namely,)

Incorporation of certain provisions of Waterworks Clauses Acts.

“ With respect ” (where the local authority have not the control of the streets) “ to the breaking up of streets for the purpose of laying pipes ” ; and

“ With respect to the communication pipes to be laid by the undertakers ” ; and

“ With respect to the communication pipes to be laid by the inhabitants ” ; and

“ With respect to waste or misuse of the water supplied by the undertakers ” ; and

“ With respect to the provision for guarding against fouling the water of the undertakers ” ; and

“ With respect to the payment and recovery of the water rates.”

Provided,—

That the provisions with respect to the communication pipes to be laid by the undertakers and the inhabitants respectively shall apply only in districts or parts of districts where the local authority lay any pipes for the supply of any of the inhabitants thereof ; and

That any dispute authorised or directed by any of the said incorporated provisions to be settled by an inspector or two justices shall be settled by a court of summary jurisdiction ; and

That section fourty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words “ with the consent in writing of the owner “ or reputed owner of any such house, or of the agent “ of such owner,” were omitted therefrom ; and any rents for pipes and works paid by an occupier under

App. A. that section may be deducted by him from any rent from time to time due from him to such owner.

Power to supply water by measure.

58. A local authority may agree with any person to supply water by measure, and as to the payment to be made in the form of rent or otherwise for every meter provided by them; they shall at all times at their own expense keep all meters and other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The local authority shall for the purposes aforesaid have access to and be at liberty at all reasonable times to remove test inspect and replace any such meter or other instrument.

Register of meter to be evidence.

59. Where water is supplied by measure by any local authority, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity of water consumed; and if the local authority and the consumer differ with respect to the quantity consumed, the difference shall be determined, on the application of either party, by a court of summary jurisdiction, and such court may order by which of the parties the costs of the proceedings before them shall be paid, and its decision shall be final and binding.

Penalty for injuring meters.

60. If any person wilfully or by culpable negligence injures or suffers to be injured any meter or fittings belonging to a local authority, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts or uses water of the local authority, he shall (without prejudice to any other right or remedy of the local authority) be liable to a penalty not exceeding forty shillings, and the local authority may in addition thereto recover the amount of any damage sustained. The existence of artificial means, under the control of the consumer, for causing any such alteration prevention abstraction or use shall be evidence that the consumer has fraudulently effected the same.

Power to supply water to authority of adjoining district.

61. Any local authority for the time being supplying water within their own district may, with the sanction of the Local Government Board, supply water to the local authority of any adjoining district on such terms as may be agreed on between such authorities, or as, in case of

dispute, may be settled by arbitration in manner provided App. A. by this Act.

62. Where on the report of the surveyor of a local authority it appears to such authority that any house within their district is without a proper supply of water, and that such a supply of water can be furnished thereto at a cost not exceeding the water rate authorised by any local Act in force within the district, or where there is not any local Act so in force at a cost not exceeding twopence a week, or at such other cost as the Local Government Board may, on the application of the local authority, determine under all the circumstances of the case to be reasonable, the local authority shall give notice in writing to the owner, requiring him, within a time therein specified, to obtain such supply, and to do all such works as may be necessary for that purpose.

Local authority may require houses to be supplied with water in certain cases.

If such notice is not complied with within the time specified, the local authority may, if they think fit, do such works and obtain such supply, and for that purpose may enter into any contract with any water company supplying water within their district; and water rates may be made and levied on the premises by the authority or company which furnishes the supply and may be recovered as if the owner or occupier of the premises had demanded a supply of water and were willing to pay water rates for the same, and any expenses incurred by the local authority in doing any such works may be recovered in a summary manner from the owner of the premises, or may by order of the local authority be declared to be private improvement expenses.

63. Any water company may contract to supply water or may lease their waterworks to any local authority; and the directors of any water company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company of a resolution passed by three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any local authority, on such terms as may be agreed on between the company and the local authority, all the rights powers and privileges, and

Powers of water company for supplying water to local authority.

App. A. all or any of the waterworks premises and other property of the company, but subject to all liabilities to which the same are subject at the time of such purchase.

Vesting of public cisterns, etc., in local authority.

64. All existing public cisterns pumps wells reservoirs conduits aqueducts and works used for the gratuitous supply of water to the inhabitants of the district of any local authority shall vest in and be under the control of such authority, and such authority may cause the same to be maintained and plentifully supplied with pure and wholesome water, or may substitute maintain and plentifully supply with pure and wholesome water other such works equally convenient ; they may also (subject to the provisions of this Act) construct any other such works for supplying water for the gratuitous use of any inhabitants who choose to carry the same away, not for sale, but for their own private use.

Water for public baths, or trading or manufacturing purposes.

65. Any local authority may, if they think fit, supply water from any waterworks purchased or constructed by them to any public baths or wash-houses, or for trading and manufacturing purposes, on such terms and conditions as may be agreed on between the local authority and the persons desirous of being so supplied ; moreover, any local authority may, if they think fit, construct any works for the gratuitous supply of any public baths or wash-houses established otherwise than for private profit or supported out of any poor or borough rates.

Duty of urban authority to provide fire-plugs.

66. Every urban authority shall cause fire-plugs and all necessary works machinery and assistance for securing an efficient supply of water in case of fire to be provided and maintained, and for this purpose they may enter into any agreement with any water company or person ; and they shall paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may deem expedient.

* * * * *

Regulations as to purchase of land.

176. With respect to the purchase of lands by a local authority for the purposes of this Act, the following regulations shall be observed ; (that is to say,)

- (1) The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, shall be incorporated with this Act, except

the provisions relating to access to the special App. A. Act, and except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845 :

- (2) The local authority, before putting in force any of the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, shall

Publish once at the least in each of three consecutive weeks in the month of November, in some local newspaper circulated in their district, an advertisement describing shortly the nature of the undertaking in respect of which the lands are proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands that they require ; and shall further

Serve a notice in the month of December on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such lands :

- (3) On compliance with the provisions of this section with respect to advertisements and notices, the local authority may, if they think fit, present a petition under their seal to the Local Government Board. The petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of owners lessees and occupiers of lands who have assented dissented or are neuter in respect of the taking such lands, or who have returned no answer to the notice ; it shall pray that the local authority may, with reference to such lands, be allowed to put in force the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Local Government Board requires :

- App. A.** (4) On the receipt of such petition and on due proof of the proper advertisements having been published and notices served the Local Government Board shall take such petition into consideration, and may either dismiss the same, or direct a local inquiry as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners lessees and occupiers thereof:
- (5) After the completion of such inquiry the Local Government Board may, by provisional order, empower the local authority to put in force, with reference to the lands referred to in such order, the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as the Board may think fit, and it shall be the duty of the local authority to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served:

Provided that the notices by this section required to be given in the months of November and December may be given in the months of September and October or of October and November, but in either of such last-mentioned cases an inquiry preliminary to the provisional order to which such notices refer shall not be held until the expiration of one month from the last day of the second of the two months in which the notices are given; and any notices or orders by this section required to be served on a number of persons having any right in over or on lands in common may be served on any three or more of such persons on behalf of all such persons.

Power to
let lands.

177. Any local authority may, with the consent of the Local Government Board, let for any term any lands which they may possess, as and when they can conveniently spare the same.

Provision
for lands
belonging
to the
Duchy of
Lancaster.

178. The Chancellor and Council of the Duchy of Lancaster for the time being may, if they think fit, (but subject and without prejudice to the rights of any lessee tenant or occupier,) from time to time contract with any

local authority for the sale of, and may (subject as aforesaid) absolutely sell and dispose of, for such sum as to the said Chancellor and Council may appear sufficient consideration, the whole or any part of any lands belonging to Her Majesty her heirs or successors in right of the said duchy, or any right interest or easement in through over or on any such lands which for the purposes of this Act such local authority from time to time deem it expedient to purchase; and on payment of the purchase money, as provided by the Duchy of Lancaster Lands Act, 1855, the said Chancellor and Council may grant and assure to the said authority, under the seal of the said duchy, in the name of Her Majesty her heirs or successors the subject of such contract or sale, and such money shall be dealt with as if such subject had been sold under the authority of the Duchy or Lancaster Lands Act, 1855. App. A.

ARBITRATION.

179. In case of dispute as to the amount of any compensation to be made under the provisions of this Act (except where the mode of determining the same is specially provided for), and in case of any matter which by this Act is authorised or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party shall appoint an arbitrator to whom the matter shall be referred. Mode of reference to arbitration.

180. With respect to arbitrations under this Act, the following regulations shall be observed; (that is to say,) Regulations as to arbitration.

- (1) Every appointment of an arbitrator under this Act when made on behalf of the local authority shall be under their common seal, and on behalf of any other party under his hand, or if such party be a corporation aggregate under their common seal:
- (2) Every such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same:
- (3) After the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation:
- (4) If for the space of fourteen days after any matter by this Act authorised or directed to be settled by

App. A.

arbitration has arisen, and notice in writing by one party who has duly appointed an arbitrator has been given to the other party, stating the matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fails to appoint an arbitrator, the arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties :

- (5) If before the determination of any matter so referred any arbitrator dies or refuses or becomes incapable to act, the party by whom such arbitrator was appointed may appoint in writing another person in his stead ; and if such party fails so to do for the space of seven days after notice in writing from the other party in that behalf, the remaining arbitrator may proceed *ex parte* ; and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made :
- (6) If a single arbitrator dies or becomes incapable to act before the making of his award, or fails to make his award within twenty-one days after his appointment, or within such extended time, if any, as may have been duly appointed by him for that purpose, the matters referred to him shall be again referred to arbitration under the provisions of this Act, as if no former reference had been made :
- (7) Where there is more than one arbitrator, the arbitrators shall, before they enter on the reference, appoint by writing under their hands an umpire, and if the person appointed to be umpire dies or becomes incapable to act, the arbitrators shall forthwith appoint another person in his stead ; and if the arbitrators neglect or refuse to appoint an umpire for seven days after being requested so to do by any party to the arbitration, the Local Government Board shall, on the application of any such party, appoint an umpire :
- (8) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been duly appointed

by them for that purpose, the matters referred App. A. shall be determined by the umpire :

- (9) The time for making an award by arbitrators under this Act shall not in any case be extended beyond the period of two months from the date of the submission, and the time for making an award by an umpire under this Act shall not in any case be extended beyond the period of two months from the date of the reference of the matters to him :
- (10) Before any arbitrator or umpire enters on a reference under this Act he shall make and subscribe the following declaration before a justice of the peace ; (that is to say,)
“ I *A.B.* do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the Public Health Act, 1875.
A.B.”
- (11) Such declaration shall be annexed to the award when made ; and any arbitrator or umpire who wilfully acts contrary to such declaration shall be guilty of a misdemeanour :
- (12) Any arbitrator or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses on oath :
- (13) The costs of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or (in case the matters referred are determined by an umpire) of the umpire :
- (14) Any submission to arbitration under the provisions of this Act may be made a rule of any of the superior courts, on the application of any party thereto :
- (15) The award of arbitrators or of an umpire under this Act shall be final and binding on all parties to the reference.

App. A. 181. All questions referable to arbitration under this Act may, when the amount in dispute is less than twenty pounds, be determined at the option of either party before a court of summary jurisdiction, but the court may, if it thinks fit, require that any work in respect of which the claim of the local authority is made and the particulars of the claim be reported on to them by any competent surveyor, not being the surveyor of the local authority; and the court may determine the amount of costs incurred in that behalf, and by whom such costs or any part of them shall be paid.

Claims under twenty pounds may be referred to court of summary jurisdiction.

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EXPENSES OF URBAN AUTHORITY AND URBAN RATES.

Mode of defraying expenses of urban authority. 207. All expenses incurred or payable by an urban authority in the execution of this Act, and not otherwise provided for, shall be charged on and defrayed out of the district fund and general district rate leviable by them under this Act, subject to the following exceptions; (namely,)

That if in any district the expenses incurred by an urban authority (being the council of a borough) in the execution of the Sanitary Acts were at the time of the passing of this Act payable out of the borough fund or borough rate, then the expenses incurred by that authority in the execution of this Act shall be charged on and defrayed out of the borough fund or borough rate; and

That if in any district the expenses incurred by an urban authority (being improvement commissioners) in the execution of the Sanitary Acts were at the time of the passing of this Act payable out of any rate in the nature of a general district rate leviable by them as such commissioners throughout the whole of their district, then the expenses incurred by that authority in the execution of this Act shall be charged on and defrayed out of such rate; and for the purposes of this section the council of the borough of Folkestone shall be deemed to be improvement commissioners; and

That where at the time of the passing of this Act the expenses incurred by an urban authority in the execution of certain purposes of the Sanitary Acts were payable

out of the borough fund and borough rate, and the expenses incurred by such authority in the execution of the other purposes of the said Acts were payable out of a rate or rates leviable by that authority throughout the whole of their district for paving sewerage or other sanitary purposes, then the expenses incurred by that authority in the execution of the same or similar purposes respectively under this Act shall respectively be charged on and defrayed out of the borough fund and borough rate, and out of the rate or rates leviable as aforesaid.

App. A.

211. With respect to the assessment and levying of general district rates under this Act the following provisions shall have effect ; (namely,)

Assess-
ment, etc.,
of general
district
rate.

- (1) (b) The owner of any tithes, or of any tithe commutation rentcharge, or the occupier of any land used as arable meadow or pasture ground only, or as woodlands market gardens or nursery grounds, and the occupier of any land covered with water, or used only as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same in the proportion of one fourth part only of such net annual value thereof :

BORROWING POWERS.

233. Any local authority may, with the sanction of the Local Government Board, for the purpose of defraying any costs charges and expenses incurred or to be incurred by them in the execution of the Sanitary Acts or of this Act, or for the purpose of discharging any loans contracted under the Sanitary Acts or this Act, borrow or re-borrow, and take up at interest, any sums of money necessary for defraying any such costs charges and expenses, or for discharging any such loans as aforesaid.

Power to
borrow on
credit of
rates.

An urban authority may borrow or re-borrow any such sums on the credit of any fund or all or any rates or rate

App. A. out of which they are authorised to defray expenses incurred by them in the execution of this Act, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund or rates or rate.

A rural authority may borrow or re-borrow any such sums, if applied or intended to be applied to general expenses of such authority, on the credit of the common fund out of which such expenses are payable, and if applied or intended to be applied to special expenses of such authority, on the credit of any rate or rates out of which such expenses are payable, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund rate or rates.

* * * * *

Regulations as to exercise of borrowing powers.

234. The exercise of the powers of borrowing conferred by this Act shall be subject to the following regulations ; (namely,)

* * * * *

(2) The sum borrowed shall not at any time exceed, with the balances of all the outstanding loans contracted by the local authority under the Sanitary Acts and this Act, in the whole the assessable value for two years of the premises assessable within the district in respect of which such money may be borrowed :

(3) Where the sum proposed to be borrowed with such balances (if any) would exceed the assessable value for one year of such premises, the Local Government Board shall not give their sanction to such loan until one of their inspectors has held a local inquiry and reported to the said Board.

* * * * *

Audit where urban authority are not a town council.

247. Where an urban authority are not the council of a borough the following regulations with respect to audit shall be observed ; (namely,)

(1) The accounts of the receipts and expenditure under this Act of such authority shall be audited and

examined once in every year, as soon as can be App. A.
after the twenty-fifth day of March, by the auditor of accounts relating to the relief of the poor for the union in which the district of such authority or the greater part thereof is situate, unless such auditor is a member of the authority whose accounts he is appointed to audit, in which case such accounts shall be audited by such auditor of any adjoining union as may from time to time be appointed by the Local Government Board :

- (2) There shall be paid to such auditor in respect of each audit under this Act, such reasonable remuneration, not being less than two guineas for every day in which he is employed in such audit, as such authority from time to time appoint, together with his expenses of travelling to and from the place of audit :
- (3) Before each audit such authority shall, after receiving from the auditor the requisite appointment, give at least fourteen days notice of the time and place at which the same will be made, and of the deposit of accounts required by this section, by advertisement in some one or more of the local newspapers circulated in the district ; and the production of the newspaper containing such notice shall be deemed to be sufficient proof of such notice on any proceeding whatsoever :
- (4) A copy of the accounts duly made up and balanced, together with all rate books account books deeds contracts accounts vouchers and receipts mentioned or referred to in such accounts, shall be deposited in the office of such authority, and be open, during office hours thereat, to the inspection of all persons interested for seven clear days before the audit, and all such persons shall be at liberty to take copies of or extracts from the same, without fee or reward ; and any officer of such authority duly appointed in that behalf neglecting to make up such accounts and books, or altering such accounts and books, or allowing them to be altered when so made up, or refusing to allow

App. A.

inspection thereof, shall be liable to a penalty not exceeding five pounds :

- (5) For the purpose of any audit under this Act, every auditor may, by summons in writing, require the production before him of all books deeds contracts accounts vouchers receipts and other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books deeds contracts accounts vouchers receipts documents or papers to appear before him at any such audit or any adjournment thereof, and to make and sign a declaration as to the correctness of the same ; and if any such person neglects or refuses so to do, or to produce any such books deeds contracts accounts vouchers receipts documents or papers or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings ; and if he falsely or corruptly makes or signs any such declaration, knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury :
- (6) Any ratepayer or owner of property in the district may be present at the audit, and may make any objection to such accounts before the auditor ; and such ratepayers and owners shall have the same right of appeal against allowances by an auditor as they have by law against disallowances :
- (7) Any auditor acting in pursuance of this section shall disallow every item of account contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment, and shall charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every such case certify the amount due from such person, and on application by any party aggrieved shall state in writing the reasons for his decision in respect of

such disallowance or surcharge, and also of any App. A. allowance which he may have made :

- (8) Any person aggrieved by disallowance made may apply to the Court of Queen's Bench for a writ of certiorari to remove the disallowance into the said court, in the same manner and subject to the same conditions as are provided in the case of disallowances by auditors under the laws for the time being in force with regard to the relief of the poor ; and the said court shall have the same powers with respect to allowances disallowances and surcharges under this Act as it has with respect to disallowances or allowances by the said auditors ; or in lieu of such application any person so aggrieved may appeal to the Local Government Board, which Board shall have the same powers in the case of the appeal as it possesses in the case of appeals against allowances disallowances and surcharges by the said poor law auditors :
- (9) Every sum certified to be due from any person by an auditor under this Act shall be paid by such person to the treasurer of such authority within fourteen days after the same has been so certified, unless there is an appeal against the decision ; and if such sum is not so paid, and there is no such appeal, the auditor shall recover the same from the person against whom the same has been certified to be due by the like process and with the like powers as in the case of sums certified on the audit of the poor rate accounts, and shall be paid by such authority all such costs and expenses, including a reasonable compensation for loss of time incurred by him in such proceedings, as are not recovered by him from such person :
- (10) Within fourteen days after the completion of the audit, the auditor shall report on the accounts audited and examined, and shall deliver such report to the clerk of such authority, who shall cause the same to be deposited in their office, and shall publish an abstract of such accounts in some

App. A.

one or more of the local newspapers circulated in the district.

Where the provisions as to audit of any local Act constituting a board of improvement commissioners are repugnant to or inconsistent with those of this Act, the audit of the accounts of such improvement commissioners shall be conducted in all respects in accordance with the provisions of this Act.

* * * * *

Auditor
to audit
accounts
of officers.

250. The accounts under this Act of officers or assistants of any local authority who are required to receive moneys or goods on behalf of such authority shall be audited by the auditors or auditor of the accounts of such authority, with the same powers incidents and consequences as in the case of such last-mentioned accounts.

* * * * *

LOCAL GOVERNMENT BOARD.

Inquiries by Board.

Power of
Board to
direct
inquiries.

293. The Local Government Board may from time to time cause to be made such inquiries as are directed by this Act, and such inquiries as they see fit in relation to any matters concerning the public health in any place, or any matters with respect to which their sanction approval or consent is required by this Act.

Orders as
to costs of
inquiries.

294. The Local Government Board may make orders as to the costs of inquiries or proceedings instituted by, or of appeals to the said Board under this Act, and as to the parties by whom or the rates out of which such costs shall be borne; and every such order may be made a rule of one of the superior courts of law on the application of any person named therein.

Orders of
Board
under this
Act.

295. All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as that Board may direct.

296. Inspectors of the Local Government Board shall, for **App. A.** the purposes of any inquiry directed by the Board, have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors have under the Acts relating to the relief of the poor for the purposes of those Acts.

Powers of
inspector
of Local
Govern-
ment
Board.

Provisional Orders by Board.

297. With respect to provisional orders authorised to be made by the Local Government Board under this Act, the following enactments shall be made :—

As to pro-
visional
orders
made by
Local
Govern-
ment
Board.

- (1) The Local Government Board shall not make any provisional order under this Act unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such provisional order relates :
- (2) Before making any such provisional order, the Local Government Board shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections :
- (3) The Local Government Board may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament :
- (4) If while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private bills :
- (5) Any Act confirming any provisional order made in pursuance of any of the Sanitary Acts or of this

App. A.

Act, and any Order in Council made in pursuance of any of the Sanitary Acts, may be repealed altered or amended by any provisional order made by the Local Government Board and confirmed by Parliament :

- (6) The Local Government Board may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament :
- (7) The making of a provisional order shall be *prima facie* evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with :
- (8) Every Act confirming any such provisional order shall be deemed to be a public general Act.

Costs of
pro-
visional
orders.

298. The reasonable costs of any local authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Local Government Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the local authority interested in or affected by such provisional orders, and such costs shall be paid accordingly ; and if thought expedient by the Local Government Board, the local authority may contract a loan for the purpose of defraying such costs.

LOCAL LOANS ACT, 1875.

(38 and 39 Vict. c. 83.)

Discharge of Loan.

Loan
borrowed
to be dis-
charged
within
prescribed
period.

13. Every loan borrowed in manner provided by this Act shall be discharged within the prescribed period from the date thereof, and if no period is prescribed, within the period of twenty years from the date thereof, which period of twenty years shall for the purpose of this Act be included under the term "prescribed period," and such discharge shall be secured by one or more of the following methods ; that is to say,

By the issue of annuity certificates limited to expire App. A. within the prescribed period ; or

By the issue of debentures made payable in such a manner that in each year such number of debentures will become due and be paid off as will secure the repayment of the whole sum secured by such debentures by equal annual instalments, extending over the whole of the prescribed period, or over a less time than the prescribed period ; or,

By the annual appropriation, as in this Act mentioned, of a fixed sum to the discharge of a certain portion of such loan ; or,

Where a sinking fund is prescribed, but not otherwise, by the establishment of a sinking fund and the application thereof in manner in this Act mentioned.

14. Where a fixed annual sum is appropriated to the discharge of a loan, or part of a loan, the local authority shall raise in every year an equal sum of money of such amount as will, at or before the expiration of the prescribed period, pay off the whole of such loan or part of a loan, and the interest thereon. The local authority shall in every year pay out of such fixed sum the interest due on the loan or part of a loan during the current year, and appropriate the residue of such sum, in the case of money borrowed on debentures, to the payment off of a corresponding amount of the principal sum secured by such debentures, and in the case of money borrowed by the issue of debenture stock to the redemption of a corresponding amount of such stock.

Discharge
of loan by
appropriation
of annual
sum.

The debentures or portion of debenture stock to be paid off in every year shall be ascertained in such manner as may have been fixed at the time of the issue of the debentures or debenture stock, or may thereafter have been arranged. Where the debentures or portion of debenture stock to be paid off are or is to be determined by lot, the lots shall be drawn in presence of the local authority, and any owners of debentures or debenture stock who choose to be present ; the local authority shall cause not less than one month's previous notice of the time and place at which lots are to be drawn to be given by advertisement, published once at the least in each of four successive weeks in some newspaper circulating in the district within which the local authority has jurisdiction.

Any fractional sum remaining of such residue as aforesaid, after payment of the debentures or debenture stock,

App. A. payable as aforesaid, shall be carried to the credit of the annual sum to be raised in the ensuing year. All expenses incurred by the local authority in respect of any drawings by lot or otherwise in respect of the discharge of a loan shall be paid out of the current revenue of the local authority.

Discharge
of loan by
sinking
fund.

15. Where a sinking fund is prescribed for any loan or part of a loan, the local authority shall create a sinking fund as herein-after mentioned ; that is to say,

(1) Such equal yearly or half yearly sums shall be paid into the sinking fund in each year as, being accumulated at compound interest at the prescribed rate, or if no rate is prescribed, at such rate as in the opinion of the local authority (regard being had to the securities in which they are authorised to make investments) will at the expiration of some period not longer than the prescribed period, be sufficient, after payment of all expenses, to discharge such loan or part of a loan ; and,

(2) The first of such payments shall be made within one year from the date of the loan ; and,

(3) All sums paid into the sinking fund shall be, as soon as may be, invested by the local authority in the prescribed manner, and if no manner is prescribed, or if a manner having been prescribed, the Local Government Board shall assent, in securities in which trustees are by law for the time being authorised to invest, or in debentures, debenture stock, or annuity certificates issued under this Act ; and any such investments may be from time to time varied or transposed ; and all dividends and other annual sums received in respect of such investments shall, as soon as may be after they are received, be paid into the sinking fund and invested by the local authority in like manner ; and

(4) The local authority may from time to time apply the sinking fund, or any part thereof, in or towards the discharge of the loan or part of a loan for which it was created, and until such loan or part is wholly discharged shall not apply the same for any other purpose :

(5) The debentures or portion of debenture stock, to the payment of which such sinking fund is for the time being applicable, shall be ascertained in such manner as may have been fixed at the time of the issue of the debentures or debenture stock, or may thereafter have been arranged.

Where the debentures or portion of debenture stock to be paid off are or is to be determined by lot, the lots shall be drawn and notice shall be given in manner herein-before in this Act mentioned : **App. A.**

(6) Any surplus of the sinking fund remaining after the discharge of the loan or part of a loan for the discharge of which it was created shall be paid into some other sinking fund under the control of the local authority ; or if there is no such fund shall be applied to any purpose to which such loan is applicable, or otherwise, as the local authority may, with the assent of the Local Government Board, think expedient :

(7) Where any part of the sinking fund is invested in any securities of the local authority, or is applied in paying off any part of the loan before the prescribed period, the interest which would otherwise be payable on such securities or on such part of the loan shall be paid into the sinking fund and invested in manner provided by this Act :

(8) If the annual income of the sinking fund is not less than the annual interest payable on so much of the loan or part of the loan in respect of which it was created as remains undischarged, the equal annual sums required by this section to be paid into the sinking fund may cease to be so paid.

16. Where a sinking fund is created for the purpose of discharging any loan or part of a loan the local authority shall, until such loan or part of a loan is discharged, within twenty-one days after the expiration of each year, transmit to the Local Government Board a return in such form and verified in such manner as the Board from time to time directs, showing the amount which has been invested or applied for the purpose of such sinking fund during the year next preceding the making of such return, and the description of the securities upon which any investment has been made, and the purposes to which any portion of the sinking fund has been applied during the same period, and the total amount (if any) remaining invested at the end of the year. If it appears to the Local Government Board, by such return or otherwise, that the local authority have failed to comply with the provisions of this Act with respect to the sinking fund, the Board may, if they think fit and after hearing the local authority, if desirous to be heard, by order direct that the sum in respect of which default has

Annual
return as
to sinking
fund.

App. A. been made is to be raised and invested or applied as part of the sinking fund, and any such order may be enforced by mandamus.

LOCAL GOVERNMENT ACT, 1888.

(51 and 52 Vict. c. 41.)

Borrowing
by county
council.

69.—(1) The county council may from time to time, with the consent of the Local Government Board, borrow, on the security of the county fund, and of any revenues of the council, or on either such fund or revenues, or any part of the revenues, such sums as may be required for the following purposes, or any of them, that is to say ;

- (a) for consolidating the debts of the county ; and
- (b) for purchasing any land or building any building, which the council are authorised by any Act to purchase or build ; and
- (c) for any permanent work or other thing which the county council are authorised to execute or do, and the cost of which ought in the opinion of the Local Government Board to be spread over a term of years ; and
- (d) for making advances (which they are hereby authorised to make) to any persons or bodies of persons, corporate or unincorporate, in aid of the emigration or colonisation of inhabitants of the county, with a guarantee for repayment of such advances from any local authority in the county, or the Government of any colony ; and
- (e) for any purpose for which quarter sessions or the county council are authorised by any Act to borrow,

but neither the transfer of powers by this Act nor anything else in this Act shall confer on the county council any power to borrow without the consent above mentioned, and that consent shall dispense with the necessity of obtaining any other consent which may be required by the Acts relating to such borrowing, and the Local Government Board, before giving their consent, shall take into consideration any representation made by any ratepayer or owner of property rated to the county fund.

(2) Provided that where the total debt of the county council, after deducting the amount of any sinking fund, exceeds, or if the proposed loan is borrowed will exceed, the amount of one tenth of the annual rateable value of the rateable property in the county, ascertained according to the standard or basis for the county rate, the amount shall not be borrowed, except in pursuance of a provisional order made by the Local Government Board and confirmed by Parliament. App. A.

(3) A county council may also from time to time, without any consent of the Local Government Board, during the period which was fixed for the discharge of any loan raised by them under this Act or transferred to them by this Act, borrow on the like security such amount as may be required for the purpose of paying off the whole or any part of such loan, or if any part of such loan has been repaid otherwise than by capital money for reborrowing the amount so repaid, and for the purpose of this section, "capital money" includes any instalments, annual appropriations, and sinking fund and the proceeds of the sale of land or other property, but does not include money previously borrowed for the purpose of repaying a loan.

(4) All money reborrowed shall be repaid within the period fixed for the discharge of the original loan, and every loan for reborrowing shall for the purpose of the ultimate discharge be deemed to form part of the same loan as the original loan, and the obligations of the council with respect to the discharge of the original loan shall not be in any way affected by means of the reborrowing.

(5) A loan under this section shall be repaid within such period, not exceeding thirty years, as the county council, with the consent of the Local Government Board, determine in each case.

(6) The county council shall pay off every loan either by equal yearly or half yearly instalments of principal, or of principal and interest combined, or by means of a sinking fund set apart, invested, and applied in accordance with the Local Loans Act, 1875, and the Acts amending the same. 38 & 39
Vict. c. 83.

(7) Where a loan is raised for any special county purpose, the council shall take care that the sums payable in respect of the loan are charged to the special account to which the expenditure for that purpose is chargeable.

App. A. (8) Where the county council are authorised to borrow any money on loan they may raise such money either as one loan or several loans, and either by stock issued under this Act, or by debentures or annuity certificates under the Local Loans Act, 1875, and the Acts amending the same, or, if special reasons exist for so borrowing, by mortgage, in accordance with sections two hundred and thirty-six and two hundred and thirty-seven of the Public Health Act, 1875.

38 & 39

Vict. c. 55.

(9) Provided that where a county council have borrowed by means of stock they shall not borrow by way of mortgage except for a period not exceeding five years.

(10) Where the county council borrow by debentures such debentures may be for any amount not less than five pounds.

(11) The provisions of this section which authorise advances in aid of the emigration or colonisation of inhabitants of the county, and borrowing for those advances, except the provisions respecting the total debt, shall extend to the councils of boroughs mentioned in the Third Schedule to this Act.

(12) Nothing in this section shall be taken to empower the Cheshire County Council to borrow on the security of any revenue estimated to accrue from the surplus funds of the River Weaver Navigation.

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Audit of
accounts
of county
council.

71.—(1) The accounts of the receipts and expenditure of county councils shall be made up to the end of each local financial year as defined by this Act, and be in the form for the time being prescribed by the Local Government Board.

(2) The provisions of the Municipal Corporations Act, 1882, with respect to the return to the Local Government Board of the accounts of a council of a borough and to the accounts of the treasurer of the borough, and to the inspection and abstract thereof shall apply to the accounts of a county council, and of the treasurer and officers of such council, and the said provisions respecting the return to the Local Government Board shall extend to the return to that Board of a printed copy of the abstract of the said accounts.

(3) The accounts of a county council and of the county treasurer and officers of such council, shall be audited by

the district auditors appointed by the Local Government Board in like manner as accounts of an urban authority and their officers under sections two hundred and forty-seven and two hundred and fifty of the Public Health Act, 1875, and those sections and all enactments amending them or applying to audit by district auditors, including the enactments imposing penalties and providing for the recovery of sums, shall apply in like manner as if, so far as they relate to an audit of the accounts of an urban authority and the officers of such authority, they were herein re-enacted with the necessary modifications, and accordingly all ratepayers and owners of property in the county shall have the like rights, and there shall be the same appeal as in the case of such audit. Provided that the First Schedule to the District Auditors Act, 1879, shall be modified in manner described in the Second Schedule to this Act.

App. A.
38 & 39
Vict. c. 55.

42 & 43
Vict. c. 6.

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74.—(1) At the beginning of every local financial year, every county council shall cause to be submitted to them an estimate of the receipts and expenses of such council during that financial year, whether on account of property, contributions, rates, loans, or otherwise.

Annual
budget of
county
councils.

* * * * *

80.—(1) All payments to and out of the county fund shall be made to and by the county treasurer, and all payments out of the fund shall, unless made in pursuance of the specific requirement of an Act of Parliament or of an order of a competent court, be made in pursuance of an order of the council signed by three members of the finance committee present at the meeting of the council and countersigned by the clerk of the council, and the same order may include several payments. Moreover all cheques for payment of moneys issued in pursuance of such order shall be countersigned by the clerk of the council or by a deputy approved by the council.

Payments
out of
fund and
finance
committee
of county
council.

(2) Any such order may be removed into the High Court of Justice by writ of certiorari, and may be wholly or partly disallowed or confirmed on motion and hearing with or without costs, according to the judgment and discretion of the court.

(3) Every county council shall from time to time appoint a finance committee for regulating and controlling

App. A. the finance of their county ; and an order for the payment of a sum out of the county fund, whether on account of capital or income, shall not be made by a county council, except in pursuance of a resolution of the council passed on the recommendation of the finance committee, and (subject to the provisions of this Act respecting the standing joint committee) any costs, debt, or liability exceeding fifty pounds shall not be incurred except upon a resolution of the council passed on an estimate submitted by the finance committee.

(4) The notice of the meeting at which any resolution for the payment of a sum out of the county fund (otherwise than for ordinary periodical payments), or any resolution for incurring any costs, debt, or liability exceeding fifty pounds will be proposed, shall state the amount of the said sum, costs, debt, or liability, and the purpose for which they are to be paid or incurred.

(5) This section shall not apply to county boroughs.

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Proceed-
ings of
com-
mittees.

82.—(1) A county council appointing under this Act any committee may from time to time make, vary, and revoke regulations respecting the quorum and proceedings of such committee, and as to the area (if any) within which it is to exercise its authority ; and subject to such regulations the proceedings and quorum and the place of meeting whether within or without the county, shall be such as the committee may from time to time direct, and the chairman at any meeting of the committee shall have a second or casting vote.

(2) Every committee shall report its proceedings to the council by whom it was appointed, but to the extent to which the council so direct, the acts and proceedings of the committee shall not be required by the provisions of the Municipal Corporations Act, 1882, to be submitted to the council for their approval.

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Compensation
to
existing
officers.

120.—(1) Every existing officer declared by this Act to be entitled to compensation, and every other existing officer, whether before mentioned in this Act or not, who by virtue of this Act, or anything done in pursuance of or in consequence of this Act, suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, shall be entitled to have compensation paid to him for such

pecuniary loss by the county council, to whom the powers of the authority, whose officer he was, are transferred under this Act, regard being had to the conditions on which his appointment was made, to the nature of his office or employment, to the duration of his service, to any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance of or in consequence of this Act, and to the emoluments which he might have acquired if he had not refused to accept any office offered by any council or other body acting under this Act, and to all the other circumstances of the case, and the compensation shall not exceed the amount which, under the Acts and rules relating to Her Majesty's Civil Service, is paid to a person on abolition of office. App. A.

(2) Every person who is entitled to compensation, as above mentioned, shall deliver to the county council a claim under his hand setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years next before the passing of this Act, on account of the emoluments for which he claims compensation, distinguishing the offices in respect of which the same have been received, and accompanied by a statutory declaration under the Statutory Declaration Act, 1835, that the same is a true statement according to the best of his knowledge, information, and belief. 5 & 6 Will.
4. c. 62.

(3) Such statement shall be submitted to the county council, who shall forthwith take the same into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision.

(4) If a claimant is aggrieved by the refusal of the county council to grant any compensation, or by the amount of compensation assessed, or if not less than one-third of the members of such council subscribe a protest against the amount of the compensation as being excessive, the claimant or any subscriber to such protest (as the case may be) may, within three months after the decision of the council, appeal to the Treasury, who shall consider the case and determine whether any compensation, and if so, what amount ought to be granted to the claimant, and such determination shall be final.

(5) Any claimant under this section, if so required by any member of the county council, shall attend at a meeting of the council and answer upon oath, which any justice

App. A. present may administer, all questions asked by any member of the council touching the matters set forth in his claim, and shall further produce all books, papers, and documents in his possession or under his control relating to such claim.

(6) The sum payable as compensation to any person in pursuance of this section shall commence to be payable at the date fixed by the council on granting the compensation, or, in case of appeal, by the Treasury, and shall be a specialty debt due to him from the county council, and may be enforced accordingly in like manner as if the council had entered into a bond to pay the same.

(7) If a person receiving compensation in pursuance of this section is appointed to any office under the same or any other county council, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than, with the emoluments of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds such office.

(8) All expenses incurred by a county council in pursuance of this section shall be paid out of the county fund, as a payment for general county purposes.

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ARBITRATION ACT, 1889.

(52 and 53 Vict. c. 49.)

2. A submission, unless a contrary intention is expressed therein, shall be deemed to include the provisions set forth in the First Schedule to this Act, so far as they are applicable to the reference under the submission.

Provisions
implied
in sub-
missions.

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7. The arbitrators or umpire acting under a submission shall, unless the submission expresses a contrary intention, have power—

Powers of
arbitrator.

(a) to administer oaths to or take the affirmations of the parties and witnesses appearing ; and

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(c) to correct in an award any clerical mistake or error arising from any accidental slip or omission

8. Any party to a submission may sue out a writ of **App. A.** subpoena ad testificandum, or a writ of subpoena duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

Witnesses may be summoned by subpoena.

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18.—(1) The Court or a judge may order that a writ of subpoena ad testificandum or a subpoena duces tecum shall issue to compel the attendance before an official or special referee, or before any arbitrator or umpire, of a witness wherever he may be within the United Kingdom.

Power to compel attendance of witness in any part of the United Kingdom, and to order habeas corpus to issue.

(2) The Court or a judge may also order that a writ of habeas corpus ad testificandum shall issue to bring up a prisoner for examination before an official or special referee, or before any arbitrator or umpire.

* * * * *

22. Any person who wilfully and corruptly gives false evidence before any referee, arbitrator, or umpire shall be guilty of perjury, as if the evidence had been given in open court, and may be dealt with, prosecuted, and punished accordingly.

Penalty for perjury.

THE FIRST SCHEDULE.

Provisions to be implied in Submissions.

(f) The parties to the reference, and all persons claiming through them respectively, shall, subject to any legal objection, submit to be examined by the arbitrators or umpire, on oath or affirmation, in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire, all books, deeds, papers, accounts, writings, and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

(g) The witnesses on the reference shall, if the arbitrators or umpire thinks fit, be examined on oath or affirmation.

Finance.

8.—(3) Every borough council shall from time to time appoint a finance committee for regulating and controlling the finance of the council ; and no order for payment of any sum, whether on account of capital or income, shall be made by a borough council except in pursuance of a resolution of the council passed on the recommendation of the finance committee ; and any costs, debt, or liability exceeding fifty pounds shall not be incurred except upon a resolution of the council passed on an estimate submitted by the finance committee. The notice of the meeting at which any resolution for the payment of any sum by the borough council (otherwise than for ordinary periodical payments) or any resolution for incurring any costs, debt, or liability exceeding fifty pounds will be proposed, shall state the amount of the said sum, costs, debt, or liability, and the purpose for which they are to be paid or incurred. Provided that the foregoing provisions shall not apply to payments made in pursuance of a precept from another authority.

Payments
to and by
Borough
Council.

9.—(1) All payments to and by the borough council shall be made to and by the borough treasurer, and all payments by the council shall, unless made in pursuance of the specific requirement of an Act of Parliament, or of an order of a competent court, be made in pursuance of an order of the council signed by three members of the finance committee present at the meeting of the council, and countersigned by the town clerk, and the same order may include several payments. Moreover, all cheques for payment of moneys issued in pursuance of any such order shall be counter-signed by the town clerk, or by a deputy approved by the council.

(2) Any such order may be removed into the High Court of Justice by writ of certiorari, and may be wholly or partly disallowed or confirmed on motion and hearing with or without costs according to the judgment and discretion of the court.

Rates, Overseers, and Audit.

Levy of
rates.
General
Rate.

10.—(1) A scheme under this Act shall provide for all the expenses of a borough council being paid out of the general rate, and for the discontinuance of a separate sewers rate and separate lighting rate, but shall make provision for protecting the interests of owners and occupiers of any hereditament which is exempt from any rate or liable to be assessed thereto at a less amount than other hereditaments.

APPENDIX B.

ORDER OF LOCAL GOVERNMENT BOARD

App. B.

44,950

(24th December, 1902).

METROPOLIS WATER ACT, 1902.

Constitution of Metropolitan Water Board.

TO THE LONDON COUNTY COUNCIL ;—

To the County Councils of Essex, Hertfordshire, Kent, Middlesex, and Surrey ;—

To the Mayor and Commonalty, and Citizens of the City of London, and to the Mayor, Aldermen, and Commons of the said City in Common Council assembled ;—

To the Councils of the several Metropolitan Boroughs ;—

To the Mayor, Aldermen, and Burgesses of the Borough of West Ham ;—

To the Urban District Councils of East Ham, Leyton, Tottenham, Walthamstow, and Willesden ;—

To the Conservators of the River Thames ;—

To the Lee Conservancy Board ;—

And to all others whom it may concern.

[Here follows the Preamble of the Order, reciting subsections (1), (2), and (3) of Section 1, and paragraph 28 of the Third Schedule to the Act.]

NOW THEREFORE, We, the Local Government Board, in pursuance of the herein-before recited powers, and of all other powers given to Us in that behalf, do hereby Order as follows :—

ARTICLE I.—Each Constituent Authority named or described in Column 1 of the Schedule to this Order shall, at a meeting of the Constituent Authority to be held within two months from the date of this Order, or within such further time as We may allow, appoint such number of Members of the Water Board as the Constituent Authority are entitled to appoint and as is specified in Column 2 of the said Schedule opposite to the name or description of the Constituent Authority in Column 1 of that Schedule.

ARTICLE II.—The Clerk, Town Clerk, Secretary, or other officer or person by whom notices of meeting of a Constituent

App. B. Authority are given shall, as the case may be, give to every member of the Constituent Authority not less than ten days' previous notice in writing of the meeting at which the appointment of any Member of the Water Board in pursuance of Article I. of this Order is to be made and of the intention to make such appointment.

[Here follows the Schedule to the Order, giving the name and description of the Constituent Authorities, other than Grouped Councils, enumerated in Section 1 of the Act, and the number of members to be appointed by each of them ; to which is appended the seal of the Local Government Board, and the signatures of the President and Secretary of the Board.]

ORDER OF LOCAL GOVERNMENT BOARD

44,911

(9th January, 1903).

METROPOLIS WATER ACT, 1902 :

CONSTITUTION, ETC., OF JOINT COMMITTEES.

METROPOLITAN WATER BOARD.

Joint Committees for appointing
Members of Water Board.

TO THE SEVERAL COUNCILS grouped as Constituent Authorities under the Metropolis Water Act, 1902, for the appointment of Members of the Metropolitan Water Board ;—

And to all others whom it may concern.

[Here follows the Preamble of the Order, reciting subsections (1), (3), and (5) of Section 1, Section 37, and paragraphs 8, 9, 11, and 28 of the Third Schedule to the Act.]

NOW THEREFORE, for the purposes aforesaid in relation to the Constituent Authorities consisting of the groups of Councils named or described in the second column of the Schedule to this Order, and to the Joint Committees through whom the said Constituent Authorities will act, We, in pursuance of the herein-before recited powers, and of all other powers given to Us in that behalf, do hereby Order as follows :—

First ap-
pointment
of mem-
bers of

ARTICLE I.—(1) Each of the councils named or described in the second column of the Schedule to this Order shall, at a meeting of the council to be held within six weeks

from the date of this Order, or within such further time as **App. B.**
 We may allow, proceed to appoint the number of members set opposite to the name or description of the council in the third column of the said Schedule, to represent the council on the Joint Committee for the group of councils within which the council is included. **Joint Committee.**

(2) Seven days' previous notice in writing of the meeting of the Council, and of the intention to make the appointment, shall be given or sent to each member of the council by the clerk to the council, or the town clerk, as the case may be.

ARTICLE II.—Every member appointed by a council to represent the council on a Joint Committee shall be appointed by the council from among the members of their own body.

Qualification of members of Joint Committee.

ARTICLE III.—Upon the first appointment by a council of a member or members, as the case may be, to represent the council on the Joint Committee the clerk to the council, or the town clerk, as the case may be, shall forthwith notify in writing to Us the names, address, and occupation of each member so appointed.

Notification to Local Government Board of members first appointed on Joint Committee.

ARTICLE IV.—A member of a Joint Committee shall continue in office until he dies, or resigns, or goes out of office as a member of the council by whom he was appointed a member of the Joint Committee :

Tenure of office of members of Joint Committee.

Provided that a member of a Joint Committee who ceases to hold office by reason of his resignation, or going out of office as a member of such council, shall be re-eligible as a member of the Joint Committee if at the time of re-appointment he is qualified to be so re-appointed.

ARTICLE V.—(1) On a vacancy occurring in a Joint Committee by reason of the death or resignation of a member, or otherwise, the council by whom that member was appointed shall, subject to the provisions of this Order, appoint another member in his place. **Supply of vacancies on Joint Committee.**

(2) The person appointed to fill the vacancy shall be appointed at a meeting of the council to be held within six weeks after the occurrence of that vacancy, or within such further time as We may allow.

(3) Seven days' previous notice in writing of the meeting of the council and of the intention to make the appointment

App. B. shall be given or sent to each member of the council by the clerk to the council, or the town clerk, as the case may be.

(4) The clerk to the council, or the town clerk, as the case may be, shall, as soon as the appointment has been made, notify in writing to the clerk to the Joint Committee the names, address, and occupation of the person so appointed.

Meetings
and
Quorum of
Joint
Com-
mittee.

ARTICLE VI.—(1) The time and place of holding the first meeting of each Joint Committee shall be fixed by Us, and the subsequent meetings of the Joint Committee shall be held at such times and places as the Joint Committee appoint.

(2) The quorum of each Joint Committee shall be one-third of the whole number of the Joint Committee, provided that in no case shall the quorum be less than three.

(3) A chairman shall be elected at every meeting of each Joint Committee ; and the election of the chairman shall be the first business to be transacted at that meeting.

(4) Any question to be determined at a meeting of each Joint Committee shall be decided by a majority of the votes of the members present and voting on that question ; and, in the case of equality of votes, the chairman shall have a second or casting vote.

(5) Notices of all meetings of each Joint Committee shall be delivered or sent by post so as to reach the last known place of abode or business in England of each member of the Joint Committee three clear days before the day of meeting.

First
appoint-
ment of
Member
of Water
Board.

ARTICLE VII.—Each Joint Committee shall at their first meeting, or at an adjournment of that meeting, appoint a person to be the Member to represent on the Water Board the Constituent Authority consisting of the group of councils acting through the Joint Committee, and the chairman at the said meeting of the Joint Committee shall forthwith notify in writing to Us the names, address, and occupation of the person so appointed a Member of the Water Board.

Future
triennial
appoint-
ment of
Member
of Water
Board

ARTICLE VIII.—During the month of May, One thousand nine hundred and seven, and during the month of May in every third year thereafter, each Joint Committee shall, at a meeting duly convened for the purpose, appoint a person to be the Member to represent on the Water Board the Constituent Authority consisting of the group of councils

acting through the Joint Committee, and the clerk to the Joint Committee shall forthwith notify in writing to the clerk to the Water Board the names, address, and occupation of the person so appointed a Member of the Water Board. **App. B.**

ARTICLE IX.—When a casual vacancy occurs in the Water Board, and the casual vacancy is one to be filled by a Constituent Authority consisting of a group of councils acting through a Joint Committee, the Joint Committee shall, at a meeting duly convened for the purpose, appoint a person to be the Member to represent that Constituent Authority on the Water Board in the place of the person who has ceased to be a Member, and the clerk to the Joint Committee shall forthwith notify in writing to the clerk to the Water Board the names, address, and occupation of the person so appointed a Member of the Water Board. **Casual vacancy in Water Board.**

ARTICLE X.—(1) Each Joint Committee shall at their first meeting, or at an adjournment of that meeting, and thereafter as occasion shall require, appoint a clerk. **Clerk to Joint Committee.**

(2) The Joint Committee may pay their clerk such reasonable remuneration as they think fit, and the clerk shall be removable by the Joint Committee at their pleasure.

ARTICLE XI.—(1) The expenses incurred by each Joint Committee in carrying out the purposes of the Act, or of this Order, shall be defrayed from time to time, as occasion may require, by the Constituent Authority consisting of the group of councils acting through the Joint Committee. **Expenses of Joint Committee.**

(2) The contribution of each council to the said expenses shall be in the proportion which the number of members representing the Council on the Joint Committee bears to the total number of members of the Joint Committee.

[Here follows the Schedule to the Order, giving the names of the Grouped Councils enumerated in Section 1 of the Act, who are to appoint a member or members of their own body to serve on Joint Committees for the appointment of a Member of the Water Board to represent each group of Councils ; and stating the total number of each Joint Committee, and the number of members of such Committee to be appointed by each Council included in the group.]

App. B.

METROPOLIS WATER ACT, 1902.

MEMORANDUM AS TO JOINT COMMITTEES.

Procedure as respects First Meeting.

- Quorum.** 1. The quorum is one-third of the whole number of the Joint Committee, but in no case must it be less than three.
- Chairman.** 2. A chairman must be elected at every meeting ; and the election of a chairman must be the first business of every meeting.
- Voting.** 3. Every question at a meeting of the Joint Committee must be decided by a majority of the votes of the members present and voting on the question. In the case of an equality of votes the chairman will have a second or casting vote.
- First appointment of member of Water Board.** 4. At their first meeting, or at an adjournment of their first meeting, the Joint Committee must appoint a person to be the member to represent on the Metropolitan Water Board the group of Councils acting through the Joint Committee. The chairman of the meeting must forthwith notify to the Local Government Board the names, address, and occupation of the person appointed.
- Appointment of Clerk.** 5. The Joint Committee must at their first meeting, or at an adjournment of that meeting, and afterwards as occasion may require, appoint a clerk. They may pay him such reasonable remuneration as they think fit, and he will be removable at their pleasure.

Procedure as respects Subsequent Meetings.

- Time and place of meeting.** 6. Meetings of the Joint Committee after the first will be held at such times and places as the Committee appoint.
- Notice of meetings.** 7. Notices of all meetings of the Joint Committee must be delivered or sent by post so as to reach the last known place of abode or business in England of each member of the Committee three clear days before the day of meeting.
- Quorum, Chairman, and Voting.** 8. The first three paragraphs of this memorandum will apply to the quorum, chairman, and voting at any meeting of the Joint Committee.

9. A Joint Committee may act notwithstanding any vacancy in the Committee, and notwithstanding that a Council is wholly unrepresented thereon.

App. B.
Proceedings not stopped by vacancies.

Vacancies in Water Board.

10. If a casual vacancy occurs by reason of the death, resignation, disqualification, or absence, or otherwise, of the member of the Water Board appointed by the Joint Committee, the Committee must appoint another person in his place.

Casual vacancy.

11. On the 1st June, 1907, and on the 1st June in every third year after that date, all the members of the Water Board will go out of office. During the month of May, 1907, and during the month of May in every third year after that date, the Joint Committee must appoint a member to represent on the Water Board the group of Councils acting through the Committee.

Ordinary vacancies.

12. The names, address, and occupation of all members of the Water Board after the first, appointed by the Joint Committee, must be notified to the Clerk to the Water Board by the Clerk to the Joint Committee.

Names of persons elected to be notified to Water Board.

Expenses of Joint Committee.

13. Any expenses incurred by the Joint Committee are to be defrayed by contributions of the Councils acting through the Joint Committee in proportion to the number of members representing each Council on the Committee.

Qualification for Membership of Water Board.

14. A qualification is not prescribed for the member of the Water Board to be appointed by the Joint Committee. He need not necessarily be a member of any of the Councils acting through the Committee, but may be appointed from outside those bodies.

Qualification.

If, however, he is a member of any of these Councils, he will, if he ceases for two months to be a member of that Council, at the end of that period vacate his office as a member of the Water Board.

App. B. *Disqualifications for Membership of Water Board.*

Disqualifi-
cation of
Officers,
Contractors,
etc.

15. A person is disqualified for being appointed or being a member of the Water Board if he—

- (a) holds any paid office under the Water Board save as permitted by the Metropolis Water Act; or
- (b) is concerned in any bargain or contract entered into with the Water Board or participates in the profit of any such bargain or contract or of any work done under the authority of the Board.

Excep-
tions.

16. A person is not disqualified for being appointed or being a member of the Water Board by reason of being interested—

- (a) in the sale or lease of any lands or in any loan of money to the Board, or in any contract with the Water Board for the supply from land, of which he is owner or occupier, of water, or materials for work done by or under the authority of the Board; or
- (b) in any newspaper in which any advertisement relating to the affairs of the Board is inserted; or
- (c) in any bargain or contract with the Board as a shareholder in any company; but he must not vote at any meeting of the Board on any question in which such company are interested.

Tempor-
ary dis-
qualifica-
tion of
Directors
of Metro-
politan
Water
Com-
panies.

17. A director of a metropolitan water company is, until the compensation payable to the company is determined, disqualified from being appointed or being a member of the Water Board.

Disquali-
fication of
criminals,
bank-
rupts, etc.

18. A person is disqualified for being a member of the Water Board if he is convicted either on indictment or summarily of any crime, and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, or is adjudged bankrupt, or makes a composition or arrangement with his creditors.

LOCAL GOVERNMENT BOARD,
February, 1903.

ORDER OF LOCAL GOVERNMENT BOARD

45,115

(12th March, 1903).

App. B.

METROPOLIS WATER ACT, 1902.

Regulations as to first Meeting and Proceedings
of Metropolitan Water Board.

TO THE PERSONS APPOINTED AS MEMBERS OF THE
METROPOLITAN WATER BOARD ;—

To the London County Council ;—

To the County Councils of Essex, Hertfordshire, Kent,
Middlesex, and Surrey ;—

To the Mayor and Commonalty, and Citizens of the City
of London, and to the Mayor, Aldermen, and
Commons of the said City in Common Council
assembled ;—

To the Councils of the several Metropolitan Boroughs ;—

To the Mayor, Aldermen, and Burgesses of the Borough
of West Ham ;—

To the Urban District Councils of East Ham, Leyton,
Tottenham, Walthamstow, and Willesden ;—

To the Conservators of the River Thames ;—

To the Lee Conservancy Board ;—

To the several Councils grouped as Constituent
Authorities under the Metropolis Water Act, 1902,
for the appointment of Members of the Metro-
politan Water Board ;—

To Almeric William FitzRoy, Esquire, Commander of
the Royal Victorian Order, Clerk in Ordinary to
His Majesty's Most Honourable Privy Council ;—

And to all others whom it may concern.

[Here follows the Preamble of the Order, reciting sub-
sections (1), (3), and (5) of Section 1, Section 51, and
paragraph 28 of the Third Schedule to the Act.]

NOW THEREFORE, We, the Local Government
Board, in pursuance of the herein-before recited powers,
and of all other powers given to Us in that behalf, do
hereby Order as follows :—

ARTICLE I.—The first Meeting of the Water Board shall
be held at the Council Chamber of the Privy Council on
Thursday the Second day of April, One thousand nine
hundred and three, at three o'clock in the afternoon.

Date and
place of
first
Meeting
of Water
Board.

App. B. **ARTICLE II.**—At the first Meeting of the Water Board, Almeric William FitzRoy, Commander of the Royal Victorian Order, Clerk in Ordinary of His Majesty's Most Honourable Privy Council, or, in the absence of the said Almeric William FitzRoy, a person appointed for the purpose by Us, shall take the chair, and shall preside until a temporary chairman is appointed in pursuance of this Order but shall not, while presiding in pursuance of this Article, be entitled to vote.

**Business
at first
Meeting.**

ARTICLE III.—(1) The first business at the first Meeting of the Water Board shall be the appointment of a person to act as temporary chairman.

(2) The temporary chairman shall take the chair as soon as he is appointed, and shall thereafter preside at the first Meeting of the Water Board, and at any Meeting held by adjournment from the first Meeting. But if at the first Meeting or at any Meeting held by adjournment from the first Meeting the Chairman or Vice-Chairman is appointed and is present, the temporary Chairman shall, immediately after the appointment, vacate the chair, which shall thereupon be taken by the Chairman or Vice-Chairman.

(3) At their first Meeting, or at any Meeting held by adjournment from their first Meeting, the Water Board shall take into consideration, and may, if they think fit, determine the following matters ; that is to say :—

(a) The question whether any, and, if so, what salaries shall be assigned to the offices of Chairman and Vice-Chairman ; and

(b) The appointment of persons to the offices of Chairman and Vice-Chairman.

(4) At their first Meeting or at any Meeting held by adjournment from their first Meeting, the Water Board may, if they think fit, appoint a person to act temporarily as Clerk of the Water Board until the Clerk of the Water Board is appointed.

(5) At their first Meeting the Water Board shall determine whether the next Meeting shall or shall not be held by adjournment from the first Meeting, and in either case they shall fix the time and place for the next Meeting, and may make any necessary regulations for the notification and convening of that Meeting, and for the proceedings and business to be transacted at the Meeting.

(6) Subject as aforesaid, the Water Board may at their

first Meeting transact such business as they may think App. B. necessary.

ARTICLE IV.—(1) As between two persons who receive Voting. an equal number of votes upon any appointment to be made in pursuance of this Order to the post of temporary Chairman priority shall be determined by lot.

(2) As between two persons who receive an equal number of votes in the case of the first appointment either to the office of Chairman of the Water Board or to the office of Vice-Chairman of the Water Board, if that appointment be made at the first Meeting of the Water Board, or at any Meeting held by adjournment from the first Meeting, the presiding Chairman shall have a casting vote.

ARTICLE V.—In the case of the first Meeting of the Water Board the said Almeric William FitzRoy shall Record of Meeting. appoint such person as he may think fit to record the proceedings of the Water Board at that Meeting.

[The seal of the Local Government Board, and the signatures of the President and Secretary of the Board are here added.]

NOTICE AND ORDER OF THE COURT OF ARBITRATION.

COURT OF ARBITRATION UNDER THE METROPOLIS WATER Act, 1902.

Whereas we the undersigned the Right Hon. Sir Edward Fry, Sir Hugh Owen G.C.B., and Sir John Wolfe Barry K.C.B., are the three Commissioners appointed by the Metropolis Water Act 1902 (hereinafter called the Act) to constitute the said Court of Arbitration.

And whereas by the Act we are authorized subject as therein mentioned to regulate our own procedure. Now we order and give notice as follows :—

1. We intend to hold the first public Sitting of the Court on Friday the 29th day of May 1903 at 10.30 a.m. when any applications to the Court will be considered. Such Sitting and all future Sitzings of the Court to be public. The place of the Sitting will be announced at a later date.

2. We have appointed Arthur Paget Esq. to be our Secretary and the offices of the Court will be at the

App. B. Chambers of our Secretary, 2 Harcourt Buildings Temple E.C., until further notice.

3. On or before the 16th day of May 1903 each one of the Metropolitan Water Companies named in the First Schedule to the Act and each one of the Councils of the Urban Districts mentioned in Section 11 of the Act, which has not previously agreed with the Water Board as to the amount of compensation to be paid to it under the said Act shall deposit with the Secretary of the Court six copies of a Statement of the Claim of the said Company or Council setting forth the amount claimed by the Company or Council together with a short statement of the grounds of the said claim.

4. The set of six copies of the Statement of Claim first delivered to the Secretary of the Court shall be marked by him with the No. 1 and the next set of six copies with the No. 2, and so on with consecutive numbers, following the order of the delivery of the Statements.

The Secretary shall forthwith after the receipt of each set of six copies forward two of each set to the Water Board.

5. The Water Board shall on or before the 17th day of August 1903 deliver to the said Secretary six copies of its answer to the Statement of Claim marked No. 1, and such answer shall set forth the amount of compensation which the Board is willing to pay to the Company or Council together with a concise statement of any relevant facts.

The said Water Board shall on or before the 24th day of August 1903 in like manner deliver to the Secretary six copies of its answer to the Statement of Claim marked No. 2, and so on from week to week with successive answers to the several successive Statements of Claim.

The Secretary shall forthwith on receipt of an answer deliver two copies thereof to the Company or Council interested in it.

6. The Statements of Claim and answers shall be printed in the same type and form as pleadings in the High Court of Justice.

7. The delivery of Statements of Claim and of answers shall not interfere with or prejudice the right of the Companies and Councils and the Water Board subsequently to agree upon the amount of compensation.

8. Unless otherwise ordered the claims of the several

Companies and Councils will be heard by the Court in the order in which the Statements of Claim are numbered. **App. B.**

9. The Sittings of the Court for the hearing of such claims shall commence at a time and place to be hereafter determined.

10. On or before the 17th day of October 1903 the Water Board, if it has not previously agreed with the Councils of the Boroughs and Districts of Croydon Richmond Cheshunt and Ware as to the amount to be paid by any one or more of such Councils under Section 12 of the Act, shall deposit with the Secretary six copies of a Statement of Claim of the Water Board against each such Council as aforesaid setting forth the amount demanded by the Water Board, together with a short statement of the grounds of the said claim, and thereupon all the previous clauses of this Notice and Order relating to Statements of Claim and answers thereto shall *mutatis mutandis* apply; except only that all the answers to be delivered by the said Councils shall be delivered on or before the 17th day of December 1903.

11. All applications to the Court of Arbitration for the exercise of its jurisdiction under the Act, except applications for fixing the sum to be paid by the Water Board to the said Companies or Councils or by Councils to the Board, may be made by all the parties interested conjointly or by any one or more of them after two clear days' written notice to the others or other of them of the intention to apply to the Court.

12. It will be expedient that all the owners of the Adventurers' Shares in the New River Company shall agree to be represented by the same counsel and in like manner all the owners of the King's Shares and of the New Shares issued under the New River Company's Act, 1866: and in case this be not done the Court will determine by whom the cases of the respective classes of shareholders shall be conducted.

13. This Notice and Order may from time to time be revoked altered or added to by us.

EDW. FRY.
HUGH OWEN.
J. WOLFE BARRY.

LONDON, 28th February, 1903.

INDEX.

- ACCOUNT,**
 payments on, to Water Companies, 59.
- ACCOUNTS,**
 of Water Board and Committees and officers thereof, 38.
 enactments as to accounts of County Councils
 applied to, 39.
 of Water Companies, audit of, 58.
 See DOCUMENTS.
- ACTS,**
 local and general, relating to Water Companies, application
 of, to Water Board, 9.
 certain domestic provisions of, superseded,
 10.
 extended to places where unauthorised
 supply has been given, 9, 10.
 so far as relating to supply otherwise than
 in bulk to places ceasing to be within
 limits of supply, not to apply to Water
 Board, 10.
 special, continued for purposes of Companies till dissolution,
 52.
- ADVENTURERS' SHARES IN NEW RIVER COMPANY,**
 apportionment of compensation to, 16, 20.
 Directors of New River Company are holders of, 19.
 estate duty on, 21.
 nature of, 19.
 to remain real estate, 17, 20, 21.
- AGREEMENT,**
 between Water Board and Tottenham and Enfield District
 Councils, 23, 24, 25.
 compensation of Water Companies may be determined by, 8.
 may be discharged in
 water stock by, 8.
 for determination of compensation in money or stock, for-
 malities required for, 8, 9.
 for determination of compensation in money or stock, may be
 modified by Court of Arbitration, 8.
 for determination of compensation in money or stock, must be
 confirmed by Court of Arbitration, 8.

ALLOWANCES,

- Court of Arbitration may make certain, 43, 46.
- to civil servants, 67.
- under Superannuation (Metropolis) Act, 1866, 65, 66.

ALTERATIONS,

- in limits of supply, 5, 7, 25—30, 49.

ANNUAL PAYMENTS,

- certain, secured on Water Fund, 10.
- secured on specific property, 10.

ANSWERS,

- to Statements of Claim in Court of Arbitration, 45.

APPEAL. See COURT OF APPEAL.**APPLICATION,**

- of capital receipts, 41.
- of Chamberlain of London's sinking funds, 12, 41.
- of compensation, 11, 77.
- proceeds of sale of land, 41.
- to Court of Appeal, 45.

APPOINTED DAY,

- definition of, 56.
- object of, 9.
- payment of interest after, 61.

ARBITRATION, 8, 23, 25, 27, 28, 41.

- compensation of Water Companies, failing agreement, to be determined by, 8.

Court of. *See* COURT OF ARBITRATION.

person attending, costs of, 43.

taxation of costs of, 43.

under Act, principles of Lands Clauses Acts applicable to, 43.

- no allowance for compulsory sale in, 43.

- for enhancement or depreciation of market value by anticipation of Act, 43.

- allowance for recoupment of loss of interest to be made in, 43.

- for costs, charges, and expenses of company and shareholders, 43.

Water Company's costs of, 43.

ARBITRATION ACT, 1889,

- application of certain provisions to arbitrations and inquiries under Act, 43.
- in general excluded, 44.

AUDIT,

of accounts of Water Board, 38.

enactments as to audit of
accounts of County Councils
applied to, 39.

water consumer may attend, 39.

of committees of Water Board, 38.

of officers, 38.

of Water Companies, 58.

existing provisions as to
repealed except for cer-
tain limited purposes,
57, 58, 79.

AUDITOR,

of Water Companies, compensation to, 68.

AUTHORITIES, CONSTITUENT. *See* **CONSTITUENT AUTHORITIES.**

AWARDS,

Court of Arbitration may make several, 42.

enforcement of, 42.

of Court of Arbitration binding, 42.

statement of, in form of special case, 42.

BACK DIVIDENDS,

right to make up, 46.

BACTERIOLOGICAL INVESTIGATIONS,

are to be made, 48.

results of, to be reported to Water Board, 48.

to be sent to Water Examiner, 49.

BALANCES,

available for dividend on appointed day to be paid to Water
Companies, 58.

not to be valued as
part of undertak-
ing, 58.

BARNET DISTRICT GAS AND WATER COMPANY,

saving for, 54.

BOOKS. *See* **DOCUMENTS.**

BOROUGH,

representation of, may be varied, 49.

may hereafter be given to, 49.

transitory powers as to supply in bulk to, 68.

- **BORROWING,**
 - Acts relating to method of, by Water Companies, repealed, 34.
 - money borrowed to be raised by issue of water stock, 33.
 - may be charged on Water Fund, 33.
 - how to be discharged, 36.
 - when to be repaid, 33.
 - powers of Water Board, as to, 32—34, 62.
 - conferred on certain local authorities, 40.
- BULK.** *See* SUPPLY IN BULK.
- BYELAWS,**
 - saving for existing, 63.
- **CAPITAL RECEIPTS,**
 - application of, 41.
- **CHAIRMAN,**
 - of Water Board, how appointed, 6, 71.
 - may be paid salary, 6.
 - term of office of, 73.
 - vacation of office by, 73.
- CHAMBERLAIN,**
 - of City of London, application of his sinking fund, 12.
 - of money received by Water Board from, 41.
 - water or debenture stock held by, to be cancelled, 12.
- **CHARTERS,**
 - of Companies to apply to Water Board, 9.
- CHEMICAL INVESTIGATIONS,**
 - to be made, 48.
 - result to be reported to Water Board, 48.
 - to be sent to Water Examiner, 49.
- CHEQUES,**
 - of Treasurer of Water Board, how to be countersigned, 39.
- CHESHUNT, 25—30.**
 - excluded from limits of supply, 25.
 - payment by, for loss and acquisition of right to supply, 26.
 - power to borrow, 40.
 - supply in bulk to, 26, 29.
 - transfer of works and plant to, 25.
 - payment for, 25.

- CHESSINGTON**, 10, 70.
- CLERK**,
of Water Board may institute or defend proceedings, 48.
- COLNE VALLEY WATER COMPANY**,
saving for, 53.
- COMMISSIONERS**,
of Court of Arbitration, 41.
salaries of, 42.
- COMMITTEES**,
of Water Board, provisions as to, 74—75.
finance, 40.
- COMPENSATION**,
application of, 11.
scheme for, 77.
discharge of, 11.
distribution of, 11, 77.
for transfer of Water Companies' undertakings, 8.
to be determined by agreement or arbitration, 8.
to be discharged in money or, by agreement, in water stock, 8, 78.
to be discharged wholly in stock in case of New River Company, 16, 18.
to officers and servants of Water Companies, 64—67, 77.
to auditor of Water Companies, 68.
to directors, 68.
- CONSERVATORS OF THAMES**,
member of Water Board appointed by, 7, 71.
- CONSTITUENT AUTHORITIES**,
classes of, 7.
definition of, 55.
list of, 6.
member of, being member of Water Board, vacates office on ceasing to be member of authority, 8, 71.
need not appoint members of Water Board from among their own body, 8.
representation of, on Water Board, 6.
- CONSTITUTION OF WATER BOARD**, 5, 6, 7, 70—76.
- CONTRACTS**,
of Water Companies not reasonably necessary in ordinary course of business, 57, 58.
existing, 63.

COSTS,

- of Act, 69.
- of Arbitration, 43.
- of Company and shareholders, 43, 46.
- in Court of Appeal, 43.
- taxation of, 43.

COURT,

- payment or transfer into, 78.

COURT OF APPEAL,

- appeals from, to House of Lords, 42, 45.
- applications to, 45.
- costs in, 43.
- decisions of, binding on Court of Arbitration, 42.
- may direct special case to be stated, 42.
- to determine special cases under Act, 42.

COURT OF ARBITRATION, 41.

- agreements for transfer of Companies' undertakings to be confirmed by, 8.
- agreements for transfer of Companies' undertakings may be modified by, 8.
- apportionment of compensation among New River shareholders by, 16.
- awards, etc., of, binding and conclusive, 42.
 - power to make several, 42.
 - to state in form of special case, 42.
- commencement of sittings of, 44.
- expenses of, 42.
- false evidence in, 43.
- jurisdiction of, 42.
- may be directed to state interlocutory special case, 42.
- not to delegate judicial functions, 41, 42.
- not to include in valuing undertakings balances paid by Water Board to Water Companies, 58.
- power to act by two of their number, 42.
 - notwithstanding vacancy, 43.
 - to regulate their procedure, 43.
 - to administer oaths, 43.
 - to correct mistakes in awards, 43.
- principles to be adopted by, in determining value, 43.
- to decide as to liability for certain contracts and alterations of salary, 57, 58.
- to obey decision on special case, 42.
- vacancies, how supplied, 41.
- witnesses and documents in, 43.

CREDITORS,

- secured, of Water Companies, rights of, preserved, 10.

CROYDON, 25—29.

Corporation Acts, 79.

repeal of, 57, 79.

excluded from limits of supply, 25.

payment for acquisition and loss of right to supply, 26.

power of Corporation to borrow, 40.

transfer of works and plant to, and payment therefor, 25.

supply in bulk to, 26.

arbitration as to, 27.

DEBENTURES,

included in debenture stock, 56.

• DEBENTURE STOCK,

definition of, 56.

discharge of, 36.

irredeemable. *See* IRREDEEMABLE DEBENTURE STOCK.redeemable. *See* REDEEMABLE DEBENTURE STOCK.

remedies of holders of, 11.

secured on specific property, 10.

to be secured on Water Fund, 10.

of Water Companies, transfer of liability to Water Board, 8.

• DEBTS,

secured on undertakings of Water Companies to be secured
on Water Fund, 10.

on specific property, 10.

transfer of, to Water Board, 8.

• DEFICIENCY,

in Water Fund, how met, 30.

what districts liable to make good, 30, 32.

DEFINITIONS, 55—57.

DIRECTORS,

compensation to, 68.

continuing directors may exercise powers of, 52.

temporary disqualification for membership of Water Board, 71.

vacancies among, after appointed day, need not be filled, 52.

DISCHARGE,

meaning of, 37.

of compensation, 11.

of debenture stock and mortgage debts, 36.

of loans, powers as to, 37, 38.

payment toward, when to commence, 37.

of money borrowed by Water Board, 36.

of water stock, 36.

- DISSOLUTION,
 - of Companies, 51, 78.
- DISTRIBUTION,
 - of compensation, 11, 77.
- DIVIDENDS,
 - payment in respect of expectation of increased, 61.
 - right to make up back, 46.
- DOCUMENTS,
 - of New River Company, 15, 19.
 - of Tottenham and Enfield District Councils, 23.
 - power for Water Companies to retain, temporarily, 59.
 - power for officers of Water Board to inspect, 60.
- EAST LONDON WATERWORKS COMPANY,
 - payments by, to Lee Conservancy, 11.
- ENFIELD, 22—25.
 - agreements between Council and Water Board, 24, 25.
 - application of consideration for Council's undertaking, 23.
 - consideration for transfer of undertaking, failing agreement,
 - determined by arbitration under Act, 23.
 - existing officers and servants of Council, 24.
 - inspection, etc., of documents of Council, 23.
 - inspection of works of Council, 23.
 - liabilities of Council in respect of water undertaking to be discharged by them, 23.
 - provisions as to supply of, by Water Board, 23.
 - question as to basis of valuation for undertaking of, 23, 24.
 - water undertaking of Council to vest in Water Board freed from debts, etc., 22.
- ENFORCEMENT OF AWARDS, 42.
- ESTABLISHMENT OF WATER BOARD, 5.
 - purposes of, 5.
- ESTATE DUTY,
 - on Adventurers' and King's shares in New River, 21.
- ESTIMATES,
 - of Water Board's annual receipts and expenditure, 39.
 - submitted by Finance Committee, 40.
- EXISTING OFFICERS AND SERVANTS,
 - of Tottenham and Enfield Councils, 24.
 - And see OFFICERS OF METROPOLITAN WATER COMPANIES.*
- EXPENDITURE,
 - estimates of, of Water Board, 39.

- EXPENSES,
 - of Court of Arbitration, 42.
 - of Local Government Board, 51.
 - of Water Board, 30.
- FINANCE COMMITTEE,
 - Water Board to appoint, 40.
- FINANCIAL RESOLUTIONS,
 - of Water Board, what notice to be given of, 40.
- GENERAL DISTRICT RATE,
 - amount of precepts to be raised by, in certain districts, 32.
 - partial exemptions from, in Public Health Act, 32.
- HERTFORDSHIRE,
 - special provisions as to, 29.
- HODDESDON,
 - Urban District Council, special provisions as to, 29.
- HOUSE OF LORDS,
 - appeals to, from Court of Appeal, 42.
 - time for, 42, 45.
- INQUIRY,
 - directed by Court of Arbitration, 41.
 - application of certain provisions of Arbitration Act, 1889, to, 43, 44.
 - local, powers of Local Government Board and their Inspectors in relation to, 50, 51.
- INSPECTION,
 - of documents of Water Companies, 60.
 - of Enfield and Tottenham District Councils, 23.
 - of works of Water Companies by Water Board, 60.
 - of works of Board, Water Examiner to have power of, 49.
 - of works transferred to Board, Companies to have power of inspection for certain purposes, 59.
- INSPECTOR,
 - of Local Government Board, powers of, in relation to local inquiry, 50, 51.
- INTEREST,
 - on water stock, rate of, 34.
 - charged on Water Fund, 35.
 - payment of, on purchase money by Water Board to Water Companies, 61.
 - recoupment for loss of, pending reinvestment, 43.

IRREDEEMABLE DEBENTURE STOCK, 11, 13, 14.

- certificate of, to be produced, 13.
- extinguished in two years, 13.
- indemnity in case of non-production of certificate of, 13.
- interest on, to cease on cancellation, 13.
 - on substituted water stock to run from cancellation of debenture stock, 13,
- liability of Board to stockholder, 14.
- notice of intention to issue water stock in substitution for, how to be given, 13.
- water stock to be issued in substitution for, 13.

amount to be
issued, 13.
when redeem-
able, 13.
to be held on
trusts of de-
benture stock,
14.

when to be cancelled, 13.

JOINT COMMITTEE,

Staines Reservoirs, 7. *See STAINES RESERVOIRS.*

of grouped Constituent Authorities, 8, 71—73.

must be members of
those authorities, 8.

JUSTICES,

as to qualification of, in cases where Water Board are a party, 52.

KING'S SHARES,

in New River Company, apportionment of compensation to, 16.

estate duty on, 21.

nature of, 19.

to remain real estate, 17, 20, 21.

LAND,

power for Water Board to acquire, 47.

not to authorise acquisi-
tion of waterworks,
water rights, or wells,
47.

to alienate, 47.

LANDS CLAUSES ACTS,

note on provisions of, 45, 46.

principles of compensation under, to be applied by Court of Arbitration, 43.

LEE CONSERVANCY,

member of Water Board appointed by, not to vote on questions as to transfer of undertakings, 71.
 payments to, by New River and East London Companies, how recoverable, 11.

LIABILITIES,

of Water Companies, discharge of, 77.

LIMITS OF SUPPLY,

alterations in, 5, 7, 49.
 certain Rural District Councils may be excluded from, 27.
 description of, in Second Schedule, 70.
 extensions of, 7, 10.
 Hoddesdon Urban District Council may be excluded from, 29.
 meaning of, 5.
 Richmond, Croydon, Cheshunt, and Ware excluded from, 25.
 unauthorised supply beyond, otherwise than in bulk, to be continued by Water Board, 9, 10.
 Water Board to supply water within, 5.

LOANS,

provisions for discharge of, 36.

LOCAL AUTHORITIES,

power for certain, to borrow, 40.

LOCAL GOVERNMENT BOARD,

expenses of, 51, 69, 75.
 may make adaptations of Acts relating to Water Companies, 49, 50.
 may include, in limits of supply, urban districts, which as rural districts had ceased to be within limits, 49.
 power to hold local inquiry, 50.
 to determine certain matters as arbitrators or otherwise, 60.
 to make provisional orders for certain purposes, 49.
 to remove difficulties, 69.
 to lay annual report of Water Board before Parliament, 51.

LOCAL LOANS ACT, 1875, 37.**MANAGEMENT,**

powers of, of Water Board, 47.

MANAGER,

debenture or debenture stock holder or mortgagee of a statutory Water Company not entitled to the appointment of a, 11.

MARKET VALUE,

enhancement or depreciation of, by anticipation of Act not to be regarded, 43.

MEMBERS,

of Joint Committees of grouped Constituent Authorities must be members of those authorities, 8.

of Water Board, being also members of Constituent Authority, when they vacate office, 8, 71.

by what authorities appointed, 6.

may institute and defend legal proceedings, 48.

not to hold paid office under Board, 70.

numbers of, 7.

METROPOLIS WATER ACT, 1871,

provisions of, as to audit, continued for certain purposes, notwithstanding repeal, 58.

METROPOLITAN WATER BOARD. *See* WATER BOARD.**METROPOLITAN WATER COMPANIES,**

certain domestic provisions of their Acts superseded, 10.

compensation for undertakings of, 8.

continuing directors of, may act, 52.

dissolution of, 51, 78.

existing officers and servants. *See* OFFICERS OF METROPOLITAN WATER COMPANIES.

liquidation of affairs of, 51.

list of, in First Schedule, 69.

meaning of, 5, 7. *See also* STAINES RESERVOIRS.

need not fill up directorships after appointed day, 52.

power of, to retain temporarily money, documents, officers, and servants, 59.

special Acts of, remain in force for purposes of Companies till dissolution, 52.

to maintain undertakings till appointed day, 57.

transfer of undertakings, 8.

liabilities and obligations, 8.

Water Board to exercise rights, etc., of, 9.

be subject to all obligations, etc., of, 9.

MORTGAGE DEBTS,

definition of, 56.

discharge of, 36.

of Metropolitan Water Companies transferred to Water Board, 10.

within what period to be redeemed, purchased, or paid off, 14.

MORTGAGEE,

may accept water stock, 14.

MORTMAIN,

Water Board may acquire land in, 5.

NEW RIVER COMPANY,

Adventurers' and King's shares in, to retain character of real estate, 17, 20, 21.

Books, accounts, and documents of, 15, 19.

Clerkenwell estate of, 15.

contracts relating to, 63.

discharged from debenture stock, 15.

pending proceedings as to, 63.

remains subject to debts, etc., of New River Company contracted solely on account of, 15.

compensation of, payable wholly in water stock, 16.

amount determined by agreement or arbitration under Act, 16, 19.

to be apportioned between different classes of shareholders by Court of Arbitration, 16, 20.
constitution of, 19.

directors of, compensation payable to, 16, 20.

to be taken account of in apportioning compensation among shareholders, 16, 20.

are holders of Adventurers' shares, 19.

new shares of, 19.

offices of, partially excepted from transfer, 16.

payments by, to Lee Conservancy, 11.

special provisions as to, 12, 15—18, 51.

undertaking of, what it includes, 15, 16, 17.

OFFICES,

of New River Company partly excepted from transfer, 16.

OFFICERS,

of Court of Arbitration, 41.

salaries of, 42.

of Water Board to institute or defend legal proceedings, 48.

- OFFICERS OF METROPOLITAN WATER COMPANIES,
 - compensation to, whose office abolished, 64.
 - who relinquish office, 64.
 - suffer direct pecuniary loss in consequence of Act, 64.
 - Local Government Act, 1888, s. 120, applied to, 64.
 - not to exceed Civil Service scale, 66, 67.
 - direct pecuniary loss by, definition of, 64.
 - existing officers, 64—68.
 - definition of, 64.
 - to become officers of Water Board, 64.
 - salary and duties of, 64.
 - office of, may be abolished, 64.
 - payment to, in consideration of loss of office, 77.
 - pensions and allowances from Companies to be continued to, 65.
 - pensions or allowances to, granted since introduction of Bill for the Act, and not in accordance with usual practice of Company, 65.
 - power for Companies to retain temporarily, 59.
 - superannuation allowances for, 66.
 - Superannuation (Metropolis) Act, 1866, applies to, 66.
 - time of service of, how computed, 65.
 - unreasonable alteration of salary or wages of, as to transfer of liability for, 58.

ORDERS,

- of Court of Arbitration binding, 42.
- of Court of Appeal binding on Court of Arbitration, 42.

PAYMENTS,

- into Court, 78.
- to and out of Water Fund, how to be made, 39, 40.

PRECEPTS,

- to issue to authorities of districts liable for deficiency in Water Fund, 31.

PROCEDURE,

- Court of Arbitration may regulate their own, 43.
- at inquiry directed by them, Court of Arbitration may regulate, 43.
- as to special cases, suggestions as to, 44, 45.

PROCEEDINGS,

- minutes of, 75.
- of Water Board, 7.
- pending, 62, 70—76.

PROVISIONAL ORDERS,

Local Government Board may make for certain purposes, 49.

PUBLIC HEALTH ACT, 1875,

application of certain sections, 47, 49, 51.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890, s. 52,
35, 37.**QUALIFICATION,**

as to, of justices, in cases where Water Board are a party, 52.

QUORUM,

of Water Board, 74.

RATES,

deficiency in Water Fund, to be made good out of what, 31.

demand notes to state separately amount required for

defraying expenses of Water Board, 31.

general district, exemptions from, 32.

REBORROWING,

powers of Water Board of, 33.

RECEIVER,

debenture or debenture stock holders or mortgagees of
Water Company entitled to, 11.

RECEIPTS,

power to give, for water stock, 78.

RECEIPTS AND EXPENDITURE OF WATER BOARD,

estimate of, 39.

RECOUPMENT,

of loss of interest pending reinvestment, 43.

REDEEMABLE DEBENTURE STOCK, 11, 14.

holder of, may accept water stock, 14.

to be cancelled, 14.

to be redeemed in accordance with conditions of issue, 14.

within what period to be redeemed, purchased, or paid off, 14.

REDEMPTION FUND,

discharge of Water Board loans by, 36.

REDUCTION OF WATER RATES,

restriction on, 31.

REGULATIONS,

as to discharge of loans, 36, 37.

water stock, 35.

saving for existing, of Water Companies, 63.

REGULATION OF RAILWAYS ACT, 1868, 60.

RENTCHARGES,

secured on Companies' undertakings transferred to Water Board, 10.

secured on specific property, 10.

REPAYMENT OF MONEY BORROWED, 33.**REPEALS, 34, 57, 79.****REPRESENTATION,**

of Borough or Urban District may be varied, 49.

of Constituent Authorities on Water Board, 6.

may be given to Borough or Urban District, 49.

RICHMOND, 25—29.

excluded from limits of supply, 25.

payment for loss and acquisition of right to supply, 26.

power to borrow, 40.

supply in bulk to, 26.

arbitration as to, 27.

transfer of and payment for works and plant for supply of, 25.

RULES,

saving for existing, of Water Companies, 63.

RURAL DISTRICT,

Council of, may demand supply in bulk, 26, 27.

on such demand ceases to be within limits of supply, 27.

transfer of works and plant to, 27.

arbitration as to, 27.

power of, to borrow, 40.

payment for right to supply, 27.

supply in bulk to, in Hertfordshire, 29.

Urban District Council of Hoddesdon to be in position of, 29.

may be reincluded in limits of supply on becoming urban district, 49.

SALARY,

Water Board may pay, to chairman and vice-chairman, 6.

SALE,

debenture or debenture stock holder or mortgagee of Water Company not entitled to, 11.

of land by Water Board, 47.

application of proceeds of, 41.

SAVINGS,

for existing byelaws, etc., 63.

for rights of Local Authorities of appearing against Bills and Provisional Orders, 52, 53.

for suburban Water Companies, 53—55.

SCALES,

of charges, saving for certain, 63.

Bill for uniform, to be hereafter introduced by
the Water Board, 31.

SCHEME,

for collecting water charges with local rates, 31.

for distribution of compensation, 77.

submission of, to Chancery
Division, 77.
binding, 78.

SECURED CREDITORS,

of Companies, rights of, preserved, 10.

extent of their rights, 11.

SERVANTS,

of Metropolitan Water Company. *See* OFFICERS OF METRO-
POLITAN WATER COMPANY.

SHAREHOLDER,

definition of, 56.

of Water Company may be member of Water Board, 70.

not to vote on questions when Company interested, 70.

SINKING FUND,

Chamberlain of London's, application of, 12.

sections not to apply to Water Board, 12.

effect of, stated, 12.

questions raised by, 46.

provision for discharge of loan by, 36.

SUNBURY, 10, 70.**SOUTH ESSEX WATERWORKS COMPANY,**

saving for, 55.

SOUTH WEST SUBURBAN WATER COMPANY,

saving for, 53.

SPECIAL CASE,

award in form of, 42.

interlocutory, 42.

suggestions as to procedure with reference to, 44, 45.

SPECIAL SERVICES,

payments by Companies for, 77.

SPECIFIC PROPERTY,

debenture stock, etc., secured on, to continue so secured, 10.

STAINES RESERVOIRS JOINT COMMITTEE, 7, 21.

compensation not to be payable for undertaking of, 21.

claims of companies in respect of, not to be affected, 21.

dissolution of, on appointed day, 21.

sterilisation section affecting undertaking of, 22, 46.

STAMP DUTY, 36, 39, 69.

STANDING ORDERS,

of House of Commons as to opposing Bills, 52.

of House of Lords as to Appeals, 45.

STATEMENTS OF CLAIM,

in Court of Arbitration, 45.

STERILISATION SECTIONS, 22, 46.

• STREETS,

power to break up, in places ceasing to be within limits of supply, 10.

• SUPERANNUATION (METROPOLIS) ACT, 1866,

applied to Water Board, 48.

allowances under, 65, 66.

SUPPLY IN BULK,

in Hertfordshire, 29.

to certain Boroughs, Urban and Rural District Councils, 26,
27, 29.

persons outside limits of supply, 28.

to Hoddesdon Urban District Council, 29.

SURPLUS RECEIPTS,

of Water Board, payment out of, towards discharge of loans,
37.

SUTTON DISTRICT WATER COMPANY,

saving for, 54.

TAXATION OF COSTS, 43, 46.

THAMES CONSERVANCY,

member of Water Board appointed by, not to vote on questions relating to transfer of undertakings, 71.

TOTTENHAM, 22—25.

agreements between Water Board and Council, 23, 24, 25.

application of consideration paid to, 23.

consideration, failing agreement, to be determined by arbitration, 23.

existing officers and servants of, 24.

inspection of works of Council of, 23.

documents, etc., of Council of, 23.

provisions as to supply by Water Board, 23, 25.

question as to assessment of value of undertaking, 24.

undertaking of Council to vest in Water Board free from debts, etc., 22.

liabilities in respect of, to be discharged by Council, 23.

TRANSFER,

duty on water stock, 36.

into Court of water stock, 78.

- TRANSFER—*continued.*
 to Water Board of liabilities and obligations of Water Companies, 8.
 undertakings of Water Companies, 8.
 effect of, 9.
 exceptions from, in case of New River Company, 15, 16.
- TREASURY,
 practice of, under Acts and Rules as to compensation for loss of office, 67.
- TRUSTEES,
 may invest in water stock, 35.
- UNDERTAKINGS,
 of Water Companies, compensation for, 8.
 definition of, 56.
 transfer of, to Water Board, 8.
 Water Board to acquire, manage, and carry on, 5.
 balances paid to Water Companies not to be valued as part of, 58.
 of New River Company, what it includes, 15, 16, 17.
- URBAN DISTRICT,
 formerly rural district, may be included in limits of supply, 49.
 representation may be given to Council of, 49.
 transitory powers as to supply in bulk to, 68.
- VACANCY,
 in Court of Arbitration, how supplied, 41.
 in Water Board, how caused, 73.
 provisions for filling, 74.
- VICE-CHAIRMAN,
 of Water Board, how appointed, 6, 70.
 may be paid salary, 6.
 term of office of, 73.
 vacation of office by, 74.
- WARE, 25—30.
 excluded from limits of supply, 25.
 payment by, for loss of and acquisition of right to supply, 26.
 power to borrow, 40.
 supply in bulk to, 26, 29.
 transfer of plant and works to, 25.
 payment for same, 25.
- WATER BOARD,
 absolute majority of, what is, 9.
 Acts relating to Water Companies to apply to, 9.
 annual report to Local Government Board, 51.
 agreements with Water Companies, formalities required for, 8, 9.

WATER BOARD—*continued.*

borrowing by, methods of, 33.

chairman and vice-chairman of, 5, 6, 70.

term of office of, 73.

vacation of office by, 74.

to make chemical and bacteriological investigation and report
to Water Examiner, 49.

committees of, 74, 75.

- constitution of, 5, 6, 7, 70—75.

- establishment of, 5.

- estimate of annual receipts and expenditure, 39.

first meeting of, 75.

- incorporation of, 5.

liability of, to irredeemable debenture stock holders, 14.

may obtain temporary advances for certain purposes, 62.

may act notwithstanding vacancy, 75.

may promote and oppose Bills, 47.

may prosecute and defend legal proceedings, 47.

- members of, how appointed, 6.

qualifications of, 70, 71.

vacation of office by, 73.

not to supply Croydon, Richmond, Cheshunt, or Ware, 25.

except in
bulk, 26.

numbers of, 7, 9.

may be varied, 49.

payments by, after appointed day, by way of interest, 61.

power to alienate property, 11, 47.

borrow, 32—34.

issue water stock, 34.

proceedings of, 7, 70—75.

purposes of, 5.

quorum of, 74.

- restrictions on acquisition of waterworks, wells, or water
rights by, 47.

returns and statistics to be furnished to Local Government
Board by, 51.

Superannuation (Metropolis) Act, 1866, applied to, 48.

transfer of undertakings of Water Companies to, 8.

liabilities and obligations to, 8.

water undertakings of Tottenham and Enfield
Councils to, 22.

WATER COMPANIES. *See METROPOLITAN WATER COMPANIES.***WATER CONSUMER,**

definition of, 56.

may attend audit, 39.

WATER EXAMINER,

his office continues, 49.

may inspect works of Water Board, 49.

report of chemical and bacteriological investigations to be sent to, 49.

WATER FUND,

debts, debenture stock, and rentcharges secured on Companies' undertakings, to be secured on, 10.

deficiency in, how met, 30, 31.

what districts liable to make good, 30, 32.

payments to and out of, 39, 40.

water stock and interest charged on, 35.

WATER RATES,

restriction on reduction of, 31.

WATER RIGHTS,

Board not to acquire, 47.

WATER STOCK,

charged on Water Fund, 35.

compensation of Companies may be discharged in, by agreement, 8.

to New River Company to be discharged in, 16.

may be accepted by redeemable debenture stock holders or mortgagees, 14.

may be issued direct to shareholders, 18, 78.

power to Water Board to issue, 34.

rate of interest on, 35.

regulations as to, 14, 35.

substituted for irredeemable debenture stock, 13.

when redeemable, 13.

when interest accrues on, 13.

to be held on same trusts, 14.

regulations as to, 14.

transfer of, into Court, 78.

trustees may invest in, 35.

WATER UNDERTAKING,

special definition of, 24.

WATERWORKS,

Board not to acquire, 47.

WELLS,

Board not to acquire, 47.



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The metropolis water act, 1902;
Cabot Science 006749716



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